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International Court of Justice

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Official Transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 13 March 1946, 1000-1300, Lord Justice Lawrence presiding.

THE PRESIDENT: The Tribunal has made an order with respect to further proceedings on the charge against Organizations and the applications of members thereof. I don't propose to read that order, but the order will be posted on the Defense Counsel's information board and will be communicated to them and to the Prosecution.

Dr. Jahrreiss, had you finished your examination?

DR. JAHRREISS: Yes.

THE PRESIDENT: Very well. Does any other of the Defense Counsel wish to examine the witness?

ALBERT KESSELRING--resumed.

DIRECT EXAMINATION--continued.

BY DR. KAUFFMANN:

Q Witness, have you any recollection when the Defendant Kaltenbrunner first became publicly known?

A I have no knowledge of Kaltenbrunner becoming prominent. The first time I had known Kaltenbrunner was when he appeared as the successor to Canaris.

Q Have you any recollection to the effect that he, Kaltenbrunner, in January, 1943, was made the Chief of the RSHA?

A I may have heard about that, but I have no certain recollection of it.

Q Kaltenbrunner states that in April, 1945, he was anxious to exclude the country of Austria from the war. Have you any recollection of that?

A I merely heard that Kaltenbrunner was one of these personalities who were working for an independent Austria, but any definite certain knowledge of that situation I have not.

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Q Furthermore, Kaltenbrunner states that he, on the basis of an arrangement with the Red Cross at Geneva, which said that civilian internees should be led through the front and back to their homeland, that he had communicated that arrangement to your office--not to you personally--and that he had expressed the wish that a gap should be created in the fighting line to let these people through.

A It is quite possible that such an application was actually made, but I did not gain any personal knowledge of it. I was away from my office a great deal.

Q Have you, witness, any recollection when concentration camps were first instituted in Germany?

A Yes. It was in 1933. I remember three concentration camps, the installing of which I cannot exactly remember when. I passed them quite frequently; I flew over them, and I am thinking of Dachau which was talked about a great deal, and Weimar which was a concentration camp over which I flew quite frequently, and I have no recollection of any other concentration camp, but perhaps I may add that, as to the rumors which were very frequent during these days of crisis I had no time to devote myself to such rumors since I was extremely busy.

Q Regarding the internees in these camps, did you have any clear-cut picture regarding who would be brought to these concentration camps?

A I did have. I heard views on that--I cannot remember who from--which seem plausible to me. I was told that the National Socialist Revolution should be achieved without loss of blood and that political opponents should be put into a safe place until the construction of the new State was given a firm basis and then they should be returned to public life. That is my view, my knowledge of the situation, but from that I rather concluded--to answer your question--that these people were mostly persons who were opposed to the National Socialist views.

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Q Have you ever thought about the problem of how, in your conception, people were treated in these camps; what was your idea about the treatment of these internees in the camps? There may be a difference whether you are thinking of the first and earlier or later years?

A About the method of treatment in the camps I have no knowledge at all. During the earlier years, when I was still active in Germany, one heard rumors to the effect that treatment was normal. In the later years I was abroad, that is to say, in the war, and I was so far away that I gained no knowledge of these things and wasn't interested in it.

Q Is it right therefore to assume, as far as the atrocities were concerned, which did actually occur, you had no positive knowledge?

A No, I did not have any positive knowledge, not even in March 1945, when I became Supreme Commander in the West; even then things, stories from concentration camps were completely strange to me. This I attributed to two facts. One, the personal attitude which I have expressed earlier, that I principally concerned myself with my own business, which was very considerable, and secondly, that within the State a Police State had developed which, in a hermetic way, closed itself off from the rest of the world.

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Q Have you any clues from contact with your officers corps that there was more knowledge about these things then what just came to yourself?

A The contact which was with my office was extremely a good one. I do not believe that any large number of officers could have existed who knew more about these things, but of course I can not answer that question for the individuals.

Q Did you know that Hitler had decided to eliminate the Jewish people physically?

A That is certainly not so.

Q Did you not have frequent opportunities to talk to Hitler about whether this was a competent question?

A Whenever I was at headquarters then during the official part of the conversation and any military questions were talked about and asked about, no question was put to Hitler. When I was invited to a meal, then historical matters of general interest would be talked about, but very few political problems of the work on political questions never came up for question. I personally can not remember any instance where Hitler influence any of the other gentlemen with regard to making an act personal.

Q Did you believe in Hitler's personality in a sense that Hitler was determined to leave the German nation for a better Germany, but with consideration of personal freedom and respect to human dignity. What was your conception about that?

THE PRESIDENT: What relevancy is that of a witness belief upon a subject of that sort. What relevancy has it got to do with any part of the case of defendant Kaltenbrunner. The Tribunal considers these sort of questions are a waste of the Tribunal's time.

BY DR. KAUFFMANN:

Q Is it correct that in the leadership state, which existed in Germany, of course, any contradiction by a human being of an order was impossible?

A In that form I would not deny that. One could certainly represent one's own views, but if one's own views were enacted by some decision than the absolute obedience became necessary, and that absolute obedience was demanded under certain circumstances with the application of the penal laws. In other words, the resistance to that order, or an order, was under my impression, or to

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my knowledge, a personality and attitude of Adolf Hitler which was quite adequate to the question that he was not to be mislead about anything.

Q Would a person resisting a final issued order, and who tried to resist such an order, would he not have to expect to lose his life?

A During the later years that was an absolute certainty.

Q Did you at any time, and if so, when did you think the war could not be won?

A Beginning with the year of 1943, one had to consider the possibility that a gainful peace could not be achieved. I emphasize that one had to expect that possibility, considering certain measures of the organization as correct that state could have been changed.

Q Did you ever discuss these questions on a higher level, in other words, your objection to continuing the war?

A At various times when I talked within my military sector I had referred to a number of constructions which might influence the end of the whole war, but as representative of a certain military fear I though I would not be entitled in my position to judge the whole military situation, since after all I did not know the situation regarding the production, regarding the organization, and regarding the manpower; that I could not judge those matters from my small opinion of view. As I said before, I refused as an amateur to make a statement about a situation, which under certain circumstances might be regarded as an official statement, since this would have been like a statement of that man Field Marshall Kesselring.

THE PRESIDENT: Will you kindly explain to the Tribunal what relevancy the last two or three questions have to the case of Kaltenbrunner?

DR. KAUFFMANN: I want to show that Kaltenbrunner, that he could not resist an order, that is what he said. It would have meant loss of his life.

THE PRESIDENT: You asked the witness whether at any time during the war he thought how long the war would last. What has that got to do with Kaltenbrunner?

DR. KAUFFMANN: The prosecution accuses several defendants that they held the knowledge of the possibility of victory had Germany continued to fight, to extend the war in that manner, and that is the problem that I want to clarify in my questions.

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THE PRESIDENT: I do not think it was put specifically against Kaltenbrunner. If it is your last question you may put it.

BY DR. KAUFFMANN:

Q Did I understand you correctly, Mr. Witness, then, what you are trying to explain is that the leading motive of your continuing to fight was your duty towards your country?

A That is a matter of course, naturally. I had other courses as well, which were passed, one of which was that possibility of a political termination of the war was denied of peace officially, but that I had this knowledge, and that I am still convinced today, that this could be proved by the fact that I discussed -- that I took up negotiations together with Wolff, and and American, hoping that a political discussion in that way would reach to that end.

DR. KAUFFMANN: Mr. President, I have no further questions.

THE PRESIDENT: Any other counsel for the defense.

BY DR. PAECKMANN: Dr. Paeckmann, Counsel for the defense for the SS.

Q Witness, Dr. Kauffmann asked you whether the officers' corps had knowledge of the condition and installment of concentration camps. Do you know that within the Army force, so called National Socialist instruction courses were conducted?

A Yes, I know of that.

Q May I ask you whether you know that during one of the National Political courses of instruction, which were had from 15th to 23rd December, 1937, and I am referring now to document No. 1992-PS, that during that course the establishment of concentration camps was talked about by Himmler, before the officers, who had said something like this: Naturally, we take a difference between those who may be there for a few months, and for educational purposes, and those who will be there for a long time. Now I skip a few sentences, and I come to the one part which is important to me: The order begins by having these people living in clean barracks, and something like that can only be achieved only with German help. There is hardly any other nation would be so human, we ask you, as we are. Laundry is frequently changed. These people are instructed to wash twice a day, and use the tooth brush is advised, to some of them it is sometimes not known to them before. Do you know that in this way it is entirely different from the fact that the Army was instructed in this way?

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A As I said earlier, we did not concern ourselves with such questions, and this lecture by Himmler is unknown to me.

DR. PAECKMANN: Thank you.

THE PRESIDENT: Does any other Defense Counsel wish to ask any questions? Then the Prosecution may cross examine.

CROSS EXAMINATION

BY MR. JUSTICE JACKSON:

Q You understand, witness, in giving your testimony, as to the definition of the High Command of the General Staff, as that definition is included in the Indictment, you are accused as a member of that group, do you not?

A I understand.

Q And that you are testifying here virtually as one of the Defendants?

A I understand.

Q You have spoken of the establishment in Germany of a police state by the National Socialist Party, and I want to ask you whether it is not the fact that the police state rested on two institutions, very largely, first, the secret police, and, secondly, the concentration camp.

A The assistance by the police is an established fact to me, and the concentration camp was a means to achieve that.

Q And both the secret police and the concentration camp were established by Hermann Goering, is that not a fact known to you?

A The secret state police was created by Hermann Goering, but whether--

Q Your lectures will be reserved for your own Counsel, and I shall ask to have you so instructed. Just answer my questions. Wasn't the concentratic camp also established by Hermann Goering?

A I don't know.

Q You don't know that. Did you favor the police state?

A I considered it as something abnormal under German conception that as a state would keep certain things away from public knowledge.

Q Did you ever do anything or can you point to anything that you did in public life to prevent that abnormal condition coming to Germany?

A I can't remember anything like that, except that during conversations with my superiors I may have brought the point up for discussion, but I

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emphasize particularly that I confined myself to my tasks in my spheres.

Q Do you want this Tribunal to understand that you never knew that there was a campgin on by this state to persecute the Jews in Germany? Is that the way you want your testimony to be understood?

A Persecution of the Jews was not known to me.

Q Isn't it a fact that Jewish officers were excluded from your army and from your command?

A Jewish officers didn't exist.

Q Isn't it a fact that certain officers of your army, certain officers of the Luftwaffe, took steps to aryanize themselves in order to escape the effect of Goering's decrees? Did you know about that?

A I heard rumors to that effect.

Q And aryanizing, where the father was suspected of Jewish ancestry, consisted in showing that the normal father was not the actual father, didn't it

A I admit that, but there are other cases as well.

Q Yes. It might be that the mother was suspected of Jewish ancestry.

A But in certain exceptional cases certain facts were overlooked.

Q Yes. Did you know anything about the Jewish riots, anti-Jewish riots of November 9th and 10th in Germany in 1938?

A Are you talking about the action "Mirror" (Spiegel)? I am not sure what you are talking about.

Q I am talking about the riots in which synagogues were burned, which made Goering so very angry. Didn't you hear about that in 1938?

A No, I didn't hear anything about it.

Q Where were you in 1938?

A In 1938 I was in Dresden.

Q In November?

A In November I was in Berlin.

Q In Berlin. And you never heard about the anti-Jewish riots of the 10th and 11th of November, 1938?

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A I have only heard about the so-called action Spiegel (Mirror).

Q What was that? You have me down. I don't know anything by that name.

A That was the smashing of shop windows, and that, I believe, took rather large proportions in Berlin.

Q You did hear, then, about the anti-Jewish riots?

A About that, yes.

Q And did you hear that Hermann Goering issued a decree confiscating the insurance that was to make reparations to those Jews who owned shops? Did you hear about Goering's action in that respect?

A I didn't quite understand. May I ask to have it repeated?

Q Did you hear about the decree passed by Hermann Goering a few days later, November the 12th, to be exact, confiscating the insurance of the victims of those raids and fining the Jewish community a billion reichsmarks?

A It is possible that I heard about it at the time, but I now have no certain recollection.

Q But you did hear about it. You did not regard those things as persecution?

A This action Glass I certainly must regard that as an atrocity against the Jews.

Q You have stated, as I understand you, based on your experience with Hitler, that it was permissible for officers to differ with him in opinion so long as they obeyed his orders. Is that what you want understood?

A I have to apologize, but I didn't quite understand the last half of that sentence. May I please ask to have it repeated?

Q I have understood from your testimony this morning that you felt perfectly free to disagree with Hitler and to make suggestions to him and give him information, but that after his mind was made up and an order issued it had to be obeyed. That is to say --

A Yes.

Q That is to say, an officer was at all times at liberty to go to Hitler and give him technical information, such as the state of the preparedness of his branch of the service?

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A Generally speaking, no. For that purpose the leaders of those army sectors were the only people admitted for that purpose.

Q So the only channel through which information as to the state of the air force would reach Hitler was through Hermann Goering, is that a fact?

A Hermann Goering and, from time to time, Secretary of State Milch, who was his deputy at onetime or another.

Q If Hitler was about to engage in a war for which the Luftwaffe was unprepared, based on your information of the situation, would it or would it not have been possible for the Luftwaffe officers to have advised Hitler of that fact?

A We had complete confidence in the Reichsmarshal and we know that he was the only person who had a certain amount of influence upon Adolf Hitler. In that way we knew, since we always knew his peaceful attitude, that we were perfectly secure, and we relied on it.

Q There came a time when you went into the East, did you now, as a commander? You went into Poland and you went into Soviet Russia, did you not?

A Poland and Russia, yes.

Q And was it not understood among the officers in those Polish and Russian campaigns that the Hague Regulations would not be applied to Soviet Russia as to the treatment of prisoners of war?

A That wasn't known to me, no.

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Q You have testified that the Luftwaffe was purely a weapon of defense, is that your testimony?

A Yes.

Q What was the German strength at the beginning of the Polish campaign in various types of planes?

A As I was not a member of the Central Board I can only give you an approximation on my own responsibility, without guaranteeing for the historical certainty of these figures. All told I would say we had approximately three thousand aircraft. As far as I can remember now there were between thirty and forty fighter groups, bomber groups--the same thing applies to fighters, and there were ten groups of dive bomber fighters, about thirty aircraft, which would drop to about six or seven aircraft and to carry on there were ten to twelve groups of different bombers, including fighters and torpedo bombers. Also included in that figure were reconnaissance planes and a certain number of naval aircraft.

Q And the proportion of bombers to fighters was approximately two to one, was it not?

A The proportion of bombers to fighters was about one to one or one point two, or one point three to one. I said thirty to forty and about thirty fighter groups. If I include the destroyer aircraft, then the figure would be one to one.

Q That is the way you make up the total of about three thousand units?

A Approximately three thousand. The reasonwhy I can give you that figure is because during these months of quiet reflection I made certain calculations. Without that, of course, I would give the historic truth in that connection.

Q Now, do you count as a weapon of defense the bomber, or do you treat that as an offensive weapon?

A I must include the bomber just as the dive bomber and the fighter aircraft amongst the defensive weapons, and I must regard it

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just as much as an offensive weapon. I explained yesterday that no matter whether defensive or offensive warfare is concerned, it is the task of an air force to be offensive to achieve the aims of a deep military sector. I have also explained that an air force which only has light aircraft is doomed to be destroyed since it cannot hit at the bases of the enemy production and since it cannot hit against military movements, in various sectors.

Q In other words, the Luftwaffe was a defensive weapon if you were on the defensive and an offensive weapon if you were on attack?

A I am afraid the last half of the sentence I did not understand.

Q The Luftwaffe would serve as a defensive weapon if you were on the defensive and as an offensive weapon if you were on attack, isn't that true?

A You could put it like that, but I would express it differently. As I say, the air force, because of its make-up, is an offensive weapon, no matter whether it is being used during defense or for attack.

Q I think you have improved on my sentence. Now, in the Netherlands, in Poland--

A May I just say something else on the subject?

Q Yes.

A Namely, that I said yesterday at the very end that the leading characteristic of an offensive air force is the long distance four-engine bombers which can carry great weight, and Germany had none of these.

Q How did it come that Germany had none of those?

A Firstly, because we were, in fact, in a period of risk. We were only confining ourselves to the absolute essentials regarding the Air force.

Secondly, we tried, in keeping with our characteristics, to build as many precision aircraft; in other words, different bombers, and I am here thinking of the JU-88 as a typical example of that.

Q You were examined by the United States Strategic Bombing Survey, were you not, on the 28th of June, 1945? Do you recall that?

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A That is quite possible, yes.

Q Well, it is quite certain, is it not?

A I have been interrogated quite a lot.

Q Now, I ask you whether on the 28th of June, 1945, you did not say to the officer examining you on behalf of the United States Strategic Bombing Survey this: "Everything had been done to make the German Air Force from the point of view of airmanship, aircraft, flak, air corp signals and so forth, the most formidable in the world. This effort led to the facts that at the beginning of the war, or in 1940, at the latest, from a fighter viewpoint, from a dive bomber viewpoint, from a combat viewpoint, we had particularly good aircraft even if the standard was not uniform entirely." Did you not state that?

A That is still my view today, that as far as material was concerned, fighters, dive bombers and bombers, we did in fact have a certain lead before other nations.

Q Now, as to the failure to have the number of four-engine bombers; that was because of your peaceful intentions, was it, or was it because of mistake in judgment as to what the requirements of war would be?

A To that I must say the following. It would have been insanity on the part of the Air Force leaders to produce an air force within three to four years. In 1940, at the earliest, did the possibility exist to have an effective air force which would comply with all requirements. For that reason, in my view, it was an amazing achievement of organization to be leading, even being restricted.

Q I understood you to give as one of the indications of your unaggressive intentions the fact that you had not an adequate number of four-engine bombers at the outset of the war. Did I misunderstood you?

A That is only an excerpt from the whole story. The strength of the Air Force was particularly in comparision with the small

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States to be regarded as sufficient. Certainly not, however, in comparision with large opponents who were fully armed in the air.

I have an example which transpired after considerable discussion with the Reichsmarshal before the beginning of the Russian campaign. I asked for a strengthening of the fighter and dive bomber section. For certain reasons that was refused; certain reasons being shortage of material and I could also gather from the conversation that the Reichsmarshal did not agree with my views.

Q Did you not testify to the Bomber Investigating Commission of the United States that you intended to build a long-range heavy bomber but --

"We had developed the AG-111 and the JU-88 and they were actually put into the fighting as long-range heavy bombers. The JU-88 was then used in the French campaign and against England.'

"Question: The JU-88 is not really a long-range bomber."

Your answer: "It was considered a long-range bomber at that time but unfortunately we had a low opinion of the four-engine aircraft and an erroneous belief that proved to be a mistake in the course of later years."

Is that true?

A That is my view.

Q And the reason you did not build the four-engine aircraft, was your low opinion of it?

A May I say the following: That was the conception of a service department on a lower level but the decisions would have been made by the highest service department.

Q The highest made a mistake about the utility of the four-engine bomber?

A Well, looking at the situation retrospectively, I must say that the absence of the four-engine bomber turned out extremely awkward.

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Q And that the highest authority in air production was Hermann Goering. He was the head of the whole plan of aircraft production, was he not?

A Yes, that is correct but that erroneous conception of certain war measures did exist temporarily.

Q You were in the Polish campaign, you have said?

A Yes.

Q Is it not a fact that the German Air Force made the decisive contribution to that campaign as to the time taken to cnnquer Poland?

A From the point of view of the Air Force officers I must agree with that conception but the Army officers do not quite share it.

Q Well, you are testifying now as to your opinion. And in that campaign you developed the technique of low level attacks by fighters, light bombers and dive bombers against marching columns and the dive bomber, the light bomber and the fighters all contributed to the success of that movement.

A I must admit that. The beginning of the short range fighting technique was certainly found during the Polish campaign.

Q I turn now to the French campaign. You were in the air in the French campaign, were you not?

A Yes.

Q And the Air Force contributed decisively to the success of that campaign, didn't it?

A From the point of view of an Air Force officer, I must also agree with that view and call it correct.

Q And you testified, did you not, that Dunkirk would not have been such a catastrophe if the Luftwaffe had not been there? That is true, isn't it?

A Dunkirk, did you say? I didn't quite understand.

Q Yes, Dunkirk.

A Yes. That is certainly my view. It would have increased if bad weather hadn't kept us back a bit.

Q That is, the catastrophe would have increased for the English except for bad weather. You had the Air Force to do a better job at Dunkirk than you did from your point of view?

A We were kept down for about two days.

Q You were one of the principal advocates of the plan to invade England, were you not?

A Personally, I am of the opinion that if the war against England could have been brought to a successful end, then it could only have been achieved for certain by invading.

Q And you had an adequate air force after having defeated Poland, defeated Holland, defeated Belgium, and defeated France, so that you advocated proceeding with an invasion of England, did you not?

A To that I shall give an explanation.

Q First tell me if that is true.

THE PRESIDENT: Witness, will you please understand that you must answer the question first, and give an explanation afterwards. Every question, or nearly every question, admits of either an affirmative or negative answer, and you will kindly give that answer and make your explanation afterwards.

BY MR. JUSTICE JACKSON:

Q Did you not advocate the invasion of England, and was not the Air Force ready to invade England?

A The Air Force was, subject to certain conditions under consideration of the existing air situation at that time, ready to fulfill that task.

Q And you recommended very strongly to the Reichsmarshal that the in-

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vasion take place immediately after Dunkirk, didn't you?

A Yes, and I still presented that view later on, too.

Q And the preparations of the Luftwaffe for this invasion were complete, and the invasion was only called off because the procurement of sea-going craft was not sufficient, is that not true?

A Yes, certainly, but I have to supplement the previous statement by saying that of course a certain interval between the French campaign and the English campaign would have had to be available to replemish the materials necessary for the Air Force.

Q Now, you also told the Strategic Bombing Survey that Hitler had ordered not only the bombing of military targets, including industrial production, but also the bombing of political targets. Is that true?

A After a certain date, yes.

Q That is, to paralyze the government of the enemy. That is what you meant by a political target, did you not?

A That is what I mean under political aims, but I answered the questions differently. I understood it differently. What I wanted to say was that that order became effective after a later date.

Q You attended the speech made by Hitler in August of 1939?

A Yes, certainly

Q At that time you were informed that the attack on Poland would commence immediately or very soon?

A During that conference, the final decision to commence the Polish campaign had not yet been reached. Certainly, negotiations were still in progres and we were all still hoping that they would bring favorable results.

Q You were ordered on the 15th of August to get the Luftwaffe in readiness for an attack on Poland?

A This order as such is not known to me in detail, but months ahead, in a certain general defensive way, we did make preparations, always thinking, of course, of a defensive situation. That is something which I must regard and state as being absolutely certain.

Q You expected Poland to attack Germany in the air? Is that your point?

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A At any rate, that was a possibility which we took into consideration and expected. The whole political situation was too difficult for us to come to a certain judgment about it all.

Q You have said that you never held conferences with Party leaders or talked politics or had any contacts with politicians, in substance, have you not?

A Basically, yes.

Q Wasn't your immediate superior the number two politician of Germany? Didn't you know that?

A I did, but I must emphasize that the conversations which I had with the Reichsmarshal were 99 per cent concerned with military and organization problems.

Q But you knew that he, at all times, was one of the leading men in Nazi politics?

A Certainly.

Q You testified that you knew of the order to shoot Soviet Commissars?

A Certainly.

Q And that you did not approve it and did not carry it out.

A I didn't answer in that sense yesterday, no.

Q What did you answer?

A I said the following, that the Air Force, which was not fighting on the ground, was not concerned by this problem, and that an official notification of that order is no longer in my recollection.

Q Who executed that order? Who was expected to execute it?

A I was only in Russia until November 1941 and I can't answer your question.

Q Did you ever hear of the SS?

A Yes, of course.

Q And isn't it a fact that the execution of that order was committed to the SS?

A I knew nothing about that.

Q What did you think the SS existed for?

A In my opinion, the SS, as far as it was used in military operations, was a section of the Army, was a sort of guard of the Army.

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Q The SS was to guard the Army or to guard whom:

A The SS divisions were, from the point of view of human numbers and materials, well above the average as far as equipment or normal army divisions were concerned.

Q Who was commanding the SS?

A The SS was commanded by Himmler. As far as these divisions were used within the Army, they were tactically under the commanders of the Army groups to which they were attached.

Q So far as they had special missions, they were under the command of Himmler, is that right?

A Yes, certainly. There was a very clear way from them up there.

Q You testified yesterday that you did not consider Hitler's commando order binding on you, and that you did not carry out that order, is that right?

A In the military sector in the Mediterranean, yes.

Q Was that because the order left discretion in your hands, or because you just took discretion into your hands?

A I made those reservations myself, firstly for various considerations, and secondly because I had an ambiguous task which could not easily be included in the general administrative leadership.

Q Well then, the extent to which an order of that kind was carried out depended somewhat on the character and courage of the officer who received it, didn't it?

A I would like to express it slightly differently. These orders could be interpreted -- that commando order, for instance -- because it was certainly quite possible for the supreme commander to carry out an operation as a commando or as a militarily perfectly justified one.

Q You were in command of the forces in Italy at this time, were you not, at the time of the commando order?

A With certain divisions. I didn't have full powers until September '43.

Q I will ask to have you shown Document 498 in evidence as Exhibit 501.

THE PRESIDENT: Is that 498-PS?

MR. JUSTICE JACKSON: 498-PS, sir, I'm sorry.

BY MR. JUSTICE JACKSON:

Q I call your attention to Paragraph 6 of that order which reads as follows:

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"I will hold responsible, under military law, for failing to carry out this order, all commanders and officers who either have neglected their duty of instructing the troops about this order, or acted against this order where it was to be executed."

You see that paragraph in the order?

A I just read it, yes.

Q Now, did you ever report that you were not carrying out this order or did you deceive your superior officers as to whether it was being carried out?

A In one special case that question was treated very decisively at headquarters. This concerned the commando action where Adolph Hitler ordered the shooting of certain people in spite of the fact that we, my troop and I, wanted to spare them. I think that in this connection, Jodl, as an intermediary, achieved decisive results, namely that this point was eventually forgotten and that consequently these people were kept alive, both in hospitals and prisoner of war camps.

But as far as deceiving -- as you just said -- is concerned, I wouldn't talk about that. I wouldn't call it that since I, in my military sector, considered these orders as side orders, and this commando order certainly allowed for several interpretations.

Q In other words, the extent to which one of these orders was carried out depended on the commanders in charge, is that right, that Hitler couldn't depend on it that an order as emphatic as this would be carried out by his commanders? Was that the state of the German army?

A No, not that, the situation can be explained like this: If, on the part of an army, such an operation is regarded as a commando operation and reported above in the sense of that order, then the necessary measures would have to be carried out, but that depended on the way of reporting by the units concerned, and I already had an opportunity yesterday to explain that an added coordinated conception did eventually set in. Where the carrying out of tactical moves were concerned, it was recognized what commando actions were within the framework of this order.

Q You testified today, and another witness has testified here, that if an order of Adolph Hitler was resisted, it meant death. You are also testifying

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that an absolute order to execute commandos, under threat of punishment if you failed, left you discretion to do it or not, and I want you once and for all to tell the Tribunal which is the fact, and then we will leave that subject.

A I must repeat what I said before, namely that the Italian theater of war cannot be compared with the other theaters of war, and that particularly as far as the cooperation of Hitler and Mussolini was concerned, there was a great deal of understanding all around, and therefore, these orders made by OKW can not simply be applied to the Italian theater of war.

Q They were applied everywhere, so far as you know, except in the Italian theater, then?

A That is something I can't say. I have repeatedly been allowed to say that I was confining myself to my own sphere of influence, which was considerable

Q You testified, as I understand you, that you punished looting on the part of your soldiers in Italy.

A As soon as I heard of these instances, I punished them, and I ordered the Army commanders and Air Force commanders to be extremely strict.

Q Now, the punishment was very mild that you ever inflicted for any looting, wasn't it?

H0082-0023

A I punished even up to having someone shot on the spot. In that manner I succeeded in remedying the difficulties which had arisen.

Q So a German general, dealing with a German soldier, considers shooting the proper penalty for looting?

A This far-reaching consequence is something I can't quite admit. I want to add to that, that if an army--as the 14th Army at the time -- gets into a certain rut, then the most severe measures are just sufficient. They have to be taken in the interest of the reputation of one's army and to bring about orderly conditions amongst the civilian population. Particularly because of that problem I had a pretty bad quarrel at headquarters.

Apart from that, I represent the view that penalties which are too severe should be out, and therefore, for some time I made penalties an educational measure and didn't really regard them as penalties. That is one reason why, for some time, penalties were rather mild.

Q You testified that you took vigorous steps to protect the art treasures of Italy.

A As far as the art treasures are concerned, yes.

Q What steps did you take, and against whom did you take them?

A Primarily they were preventive measures, first, by excluding cultural towns and art treasures from the military field; second, by having these places cleared which caused the enemy to bomb; and third, by cooperating with General Wolff and having these art treasures removed to secure places. I am reminding you of the art treasures of Cassino, Florenz.

Q Did you know that any art was removed from Mount Cassino, for instance, and taken to Berlin?

A Much later, at Mondorf, I heard about that, but at the time all I could recollect was that they were handed over to the Vatican in Rome.

Q Oh. Did you know that art treasures were taken and delivered to Goering from Mount Cassino? Did you ever hear that?

A I heard something about some holy statue, but I can't really give you any more details.

Q And if Goering received such a thing from Mount Cassino, was it

H0082 - 0024

a violation of your orders?

A The division "Hermann Goering" was stationed in that sector. It was commanded by the former adjutant of Hermann Goering, and it is quite clear that there is a certain connection here, certainly, but just how far that went I can't tell you.

Q I have a few more questions concerning your interrogations.

THE PRESIDENT: Perhaps we had better break off for ten minutes.

(A recess was taken).

MR. JUSTICE JACKSON: I think, Your Honors, that it will save some duplication, perhaps, and save time, if at this time I yield to Sir David Maxwell-Fyfe, who is prepared on some of the subjects I was about to think up, and I think he is in a better position to take up the examination than I am.

THE PRESIDENT: Whatever you wish.

H0082 - 0025

MR. JUSTICE JACKSON: I think, your Honors, that we will save some duplication -- perhaps save time -- if I now yield to Sir David Maxwell-Fyfe, who is prepared on some of the subjects I was about to take up. I think he is in a better position to take up the examination.

THE PRESIDENT: Whatever you think, Mr. Justice Jackson.

BY SIR DAVID MAXWELL-FYFE:

Q Witness, you have been told why Dr. Stahmer wanted you to give evidence? Have you been told by Dr. Stahmer why he wanted you to give evidence?

A The points in question were communicated to me, without all questions being directly defined.

Q I want to read you one sentence, so that you will have it in mind Dr. Stahmer's statement: When Rotterdam became a battle-zone in May, 1940, it became a military necessity to employ bombers, as the encircled parachute troops who had no support from the artillery had urgently asked for help from bombers.

Do you remember the incident? I wanted you to have it in your mind.

A Yes, certainly.

Q Do you remember being asked about this incident in the interrogation on the 28th of January , by the United States Bomber Survey? Remember?

A Certainly.

Q Were you asked this question, "What about Rotterdam?" And did yougive this answer, "First, Rotterdam being defended in the parts which were later on attacked. Secondly, in this case one could notice that a firm attitude had to be taken. This one attack brought immediate peace to Holland. It was asked for by Model and was approved by the OKW. It was a very small part in the heart of Rotterdam."

Do you remember saying that?

A Approximately I did say that, yes, and I repeated those words yesterday.

Q I want to deal first with the strategic aspects. I will come to the tactical aspects later. Your strategic purpose and real object was to take a firm attitude and secure immediate peace, wasn't that right?

A That wide task had not been given to me. As I said yesterday, General Wenninger reported the result of the attack to me in such a way that he said subsequent to the attack the surrender of Holland followed.

Q But I want you to think of your own words. This was approved by the OKW;

a firm attitude had to be taken. Wasn't your purpose in this attack to secure a strategic advantage by terrorization of the people of Rotterdam?

A That I can deny with the clearest conscience. Neither did I say, when I was at Mondorf, that I wanted to adopt a firm attitude. I merely said that the support which was demanded by Student would have to be carried out under all circumstances. We merely had the one task and that was artillery support for Student's troops.

Q What did you mean by saying that a firm attitude had to be taken, if you didn't mean that the people of Holland had to be possibly terrorized into peace.

A May I repeat in that connection that the conception of the expression, "firm attitude," is not in keeping with my accustomed wording. I can't admit that I said that. I can't admit the protocol, and it was not read out to me, either.

Q What do you think you said instead of firm attitude, if you didn't say it?

A I expressed that severe measures would bring the quickest results.

Q That is exactly what I am putting to you, Witness, "severe measures" --

A But only for the purpose of tactical results. May I once more emphasize that I am a soldier and not a politician, and didn't act as a politician. At that time I was merely and solely complying with Student's requirements.

Q Just before I deal with the tactical position -- which I do with great pleasure -- have you had to work with the Defendant Raeder? Have you had to work with Raeder at all?

A Admiral Raeder? No, only in a very distant way. Because of certain matters we had in common.

Q I just want you to listen to the views which the Defendant Raeder has expressed and tell the Tribunal whether you agree with them. This is United Kingdom Exhibit 65, Document L-157, and the answer in the transcript is at page 2375. Now, just listen carefully, if you will be so kind:

"It is desirable to base all military measures taken on existing international law. However, measures which are considered necessary from a military point of view, provided a decisive success can be expected from them, will have to be carried out, even if they are not covered by existing international law."

H0082-0026

H0082-0027

Do you agree with that?

A I cannot completely agree with that concept. As far as Rotterdam is concerned, conditions were exactly the opposite.

Q Well, just for the moment we will deal with the Defendant Raeder's words. Do you agree with them?

A No.

DR. LATERNSER (Counsel for the General Staff and OKW): I have an objection. I object to the earlier and this present question put to the witness, because they are irrelevant, and secondly because they don't refer to facts but opinions. The witness is here to testify to facts.

SIR DAVID MAXWELL-FYFE: My Lord, the witness is here, as I pointed out carefully, to deal with what is military necessity.

THE PRESIDENT: Sir David, the Tribunal thinks that the question in the form in which you put it may be objectionable, by the introduction of the views of the Defendant Raeder.

SIR DAVID MAXWELL-FYFE: Of course, I bow to the Tribunal, but this witness is called to say that the explanation for this is military necessity. I was asking whether he didn't agree with the views of one of his colleagues on this point, what is military necessity. If the Tribunal has any doubt, I would rather pass it. But the questionof military necessity is one which the Tribunal will have to consider in a number of fields, and I distinctly don't abondon that point, which will run through the questions I have to ask on other matters.

Q Now, I will come to the tactical position at Rotterdam: Will you just tell us the officers involved? There was a Lieutenant General Schmidt and with him was Major General Student -- who were in charge of the troops that were attacking Rotterdam. Do you remember that?

A Only General Student. I don't know about Schmidt.

Q Well, the evidence that is given in this case is that the negotiations, the terms of capitulation were actually written out by Lieutenant General Schmidt in a creamery near Rotterdam. I suppose he would be General Student's superior officer, wouldn't he?

A General Student was the highest German officer in that territory and the responsible commander. General Schmidt is unknown to me.

Q So that General Schmidt would be junior to General Student, would he?

H0082-0028

A He may have been called in for the special purpose, but I don't know of him.

Q I want you to have the times in mind: Do you know what time in the day the bombing of Rotterdam started?

A As far as I know, just before 1400 hours.

Q Well, I was going to put you 1330.

A Yes, that is quite possible.

Q Do you know that negotiations for a capitulation had been in progress since 1030 in the morning?

A No; as I said yesterday, I had no knowledge of these facts.

Q And did you know that at 1215 a Dutch officer went to the German lines and saw General Schmidt and General Student, and that General Schmidt wrote out the suggested terms of capitulation at 1235?

A No, unknown.

Q That had never been told to you?

A It was not communicated to me. At least, I can't remember it.

Q Well, you see, Witness, it is 55 minutes before the bombing began and --

A What is important is, when did Student call of the attack, but that cancellation never reached me, and didn't reach my unit either.

H0082-0029

Q Well, I just want you to have the facts in mind, and then I will ask you some questions. The terms that were discussed at 1235 were to expire. That answer was called for at 1620. After Captain Becher left with the terms at 1:22--1322 and 1325, two red flares were put up by the German ground troops under General Student. Did you ever hear of that?

A Of this fact I have not heard. Two red lights would not suffice for the purpose.

Q No, but in addition to that, your ground troops were in excellent wireless communication with your planes, were they not? Will you answer the question?

A Yes, and no. According to what I know, there was no immediate communication from the ground to the aircraft. As I said yesterday, the communication was from the attacking tactical force, to ground station, to aircraft.

Q If it had been wanted to pass the communication to the aircraft and stop the bombing, it could quite easily have been done by wireless, apart from putting up these two red flares?

A In my opinion, yes.

Q Now, what I am suggesting is, you see, that everyone saw these bombers coming over. You know that. Student saw the bombers coming over. You know that, don't you?

A Yes.

Q If that attack had any tactical significance about helping your troops, it could have been called off, could it not?

A I did not understand the final sentence.

Q If the object of this attack was merely tactical, to help in the attack on Rotterdam, it could easily have been called off by a wireless message from General Student to the planes, could it not?

A Yes, if the tactical situation had been communicated, or if the situation had been reported to the bombing units immediately, then you could have called it off.

H0082 - 0030

Q But if in honest negotations, witness, terms of surrender have been given and are to expire three hours later, it is only demanded of a soldier that he will call off the attack, is it not?

A If no other arrangements have been made, yes.

Q But if he can stop the attack, it would have been the easiest thing in the world to do so. I want to make my suggestion quite clear--that this tactical matter had nothing to do with the attack on Rotterdam; that the purpose of the attack on Rotterdam was, in your own words, to show a firm attitude and to terrorize the Dutch into surrender.

A May I repeat again, that I have said explicitly that this attack was only serving the tactical requirements, and that these political considerations are denied emphatically by me.

Q Well, you know that General Student apologized afterwards for the attack; you know that? Apologized to the Dutch Commander for the attack?

A I do not know it, and as I explained yesterday, General Student was suffering from a head injury, and I could not talk to him any longer.

Q I am not going to take more time. I have put my point, I hope, quite clearly. I want to ask you on one other point on which you spoke yesterday in regard to bombing. You said that the attack on Warsaw on 1 September, 1939, was made because you considered Warsaw a defended fortress with air defense. Is that fair?

A Yes, certainly.

Q Now, you know that at the same time--at 5 o'clock on the morning of Friday, 1 September, the German air force attacked Augustow, Nowy Dwor, Ostrow Mazowiecki, Tczew, Puck, Zambrow, Radomsko, Torun, Kutno, Tunel, Krakow, Grodno, Trzebinie and Gdynia, which is in rather a different position. Just answer my question. The German air force attacked these towns?

A With my comrades, yes, not the towns, I repeat.

H0082-0031

Q Now, all this attack was made at 5 o'clock on the morning of 1 September, was it not?

A The attack started in the morning, but not as you put it, on the towns, but on military targets; airdromes and staff headquarters and traffic centers were attacked. As I said yesterday, very detailed instructions were published by OKW that only these military targets should be bombed.

Q You are suggesting that all these towns I had read out were military targets?

A As far as they were in my sector, yes.

Q You had not had time for a single reconnaisance plane to fly over Poland before that attack was made, had you?

A That is correct. On the other hand, agents furnished sufficient intelligence on the situation, and, apart from that, the whole plan of operational considerations of air warfare were generally on record.

Q Of course, the whole plan had been worked out in April of 1939 under the Fall Weiss, had it not?

A At that time, I did not even know that I was going to be appointed, or anything like that.

Q Did you not know, witness, after you were appointed that a Fall Weiss had been worked out in April 1939? You were never told that?

A That was not said, but, on the other hand, may I say, as a soldier, that a general plan made in April would undergo so many alterations by September, and sizable alterations would have to be made at the very last minute.

Q Just one other point I want you to have in mind. Do you remember that the German radio broadcast the last note to Poland at 9 o'clock the night before, on 31 August? Do you remember that?

A I believe I do.

Q That was eight hours before your attack, and you know, do

H0082 - 0032

you not, that the Defendant Goering had been at his secret headquarters for a week before that, considering this matter?

A That I can well imagine.

Q Now, what I am putting to you is that this general attack on Polish towns was again a well planned scheme to try and break down national resistance for your attack?

A May I say the following on that subject? If my statements as Field Marshall and witness under oath are considered as little as you are considering them, Mr. Prosecutor, then further statements of mine do not serve any purpose. I have emphasized that it was not an attack against towns, but an attack on military targets, and that is something that I, as a soldier, should be believed about.

Q The Tribunal will decide as to the value of the evidence. I am not going to discuss it. I am just going to ask you about one or two other matters, in order to get your view on it, what you consider to be of military necessity. You remember the orders with regard to Partisans in Italy during the time of your command? -- the orders with regard to Partisans.

A Certainly.

Q And I want to put it perfectly correctly, so tell me if I am wrong, but I understand this to be the position. The Defendant Keitel issued a general order as to Partisans on 16 December 1942. A copy was found in your headquarters or your ex-headquarters, and your recollection is that it came to your attention later on, but you are not quite sure of the date. Is that right? You are not quite sure of the time?

A Yes.

Q I would like you to try, because you have had time to consider it; do you think that Keitel's order of December 1942 had come to your attention before you issued your own order of 17 June 1944. Perhaps you would like to see your own order, would you?

A It has been read out to me, yes, but in November, repeatedly

H0082-0033

in December, and subsequently in January, I had requested that on the subject of these questions I should be heard once more, since I have certain qualms about the issuing of these orders, the routing slips and the date.

Q Well, I will pass you the orders, witness, because you ought to see them and recall them to your recollection. I do not think they have been put in before. Let us take first Defendant Keitel's order of 16 December 1942.

(A document was handed to the witness.)

I hope I have passed you the right document. Does it read--I'll read it very slowly.

"The Fuehrer has therefore ordered that:

"1. The enemy employs in partisan warfare Communist trained fanatics who do not hesitate to commit any atrocity. It is more than ever a question of life and death. This fight has nothing to do with soldierly gallantry or principles of the Geneva Convention. If the fight against the Partisans in the East, as well as in the Balkans, is not waged with most brutal means, we will shortly reach the point where the available forces are insufficient to control this area. It is, therefore, not only justified, but it is the duty of the troops to use all means without restriction, even against women and children, so long as it insures success. Any consideration for the Partisans is a crime against the German people."

Do you remember that order?

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A Yes.

Q And you in turn issued an order on the 17th of June 1944 when you were commanding in Italy? Do you remember that? I will show you in one moment, if I can get the German copy out of the file. I will just read a short passage again so that the Tribunal will have it in mind; but witness, please refer to any other passage because I want to give a fair effect of the order:

"1. The partisan situation in the Italian theatre, particularly central Italy, has recently deteriorated to such an extent that it constitutes a serious danger to the fighting troops and their supply lines as well as to the war industry and economic potential. The fight against the partisans must be carried on with all means at our disposal and with the utmost severity. I will protect any commander who exceeds our usual restraint in the choice of severity of the methods he adopts against partisans. In this connection the old principle holds good that a mistake in the choice of methods in executing one's orders is better than failure or neglect to act."

Do you remember that, witness?

A Yes, I remember that order.

Q And you remember three days later, so that there will be no mistake as to what you meant, you issued this further one, another "top secret" order; reading the third line after saying, "The announcement does not represent an empty threat," you say:

"It is the duty of all troops and police in my command to adopt the severest measures. Every act of violence committed by partisans must be punished immediately. Reports submitted must also give details of counter-measures taken. Wherever there is evidence of considerable numbers of partisan groups a proportion of the male population of the area will be arrested, and in the event of an act of violence being committed these men will be shot."

Now, I just want only to take two examples, witness, of the way that that was carried out. You remember when one of your officers, Colonel von Gablenz, was captured by partisans; do you remember?

A Von Gablenz?

Q I think he was a colonel at this stage, it was the 26th of June, just after your order. Do you remember Colonel von Gablenz being captured, do you?

A No.

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Q He was a colonel of the lines of communication; not a very important officer, but still a colonel.

A Yes.

Q Now, just look at these two documents. Is this right? -- this is an extract from the daily situation report by the commander in chief of southwest Italy for the 26th of June.

"Partisan situation. North of Arezzo Colonel von Gablenz, a member of the staff of the officer commanding lines of communication, area Tenth Army, was captured by bandits. The entire male population of the villages on the stretch of road concerned was taken into custody." It was further announced that all these hostages would be shot if the captured colonel were not set free within forty-eight hours. Remember that?

A Not in detail, but in--

Q No, no, but do you remember the incident?

A Yes.

Q Look at the next bit which is the two-day situation report, the report for two days later, the 28th of June, the second paragraph:

"As reprisal for the capture of Colonel von Gablenz, so far 560 persons, including 250 men, have been taken into custody."

Is that your conception of what is meant by "steps necessary to deal with partisan warfare" that 410 women and children should be taken into custody?

A That was not necessary; it didn't become necessary. I may perhaps later on refer--

Q Let us take one other example. You remember Civitella? Do you remember what was done with Civitella by your forces, do you?

A At the moment, no.

Q Well, just let me remind you what was done to Civitella -- that was on the 18th of June, one day after your order.

"Two German soldiers were killed and a third wounded in a fight with partisans in the village of Civitella. Fearing reprisals the inhabitants evacuated the village, but when the Germans discovered this punitive action was disposed. On June 29" -- that, you will remember, witness, was nine days after your proclamation to reinforce your order -- "when the local inhabitants were returned and were feeling secure once more the Germans carried out a well-organized reprisal , combing the neighbourhood. Innocent inhabitants were often shot on

sight. During that day 212 men, women, and children in the immediate district were killed. Some of the dead women were found completely naked. In the course of investigations a nominal roll of the dead has been compiled and is complete with the exception of a few names whose bodies could not be identified. Ages of the dead ranged from one year to eighty-four years. Approximately one hundred houses were destroyed, by fire. Some of the victims were burned alive in their homes."

Next, the report of the United Nations War Crimes Commission on the incident. Now, witness, do you really think that militarynecessity commands the killing of babies of one and people of eighty-four?

A No.

Q Well now, I just want to acquaint you with one subject which you have dealt with yourself, that is the position of the Hermann Goering Division. You mentioned one of the persons I have in mind, but let me just, in order to make it clear to the Tribunal, get clear who your officers were at that time.

Did General Vitinghof -- sorry, I think it was von Vitinghof -- did he command the Tenth Army?

A Yes.

Q In 1944?

A Yes.

Q Was he directly under your orders?

A He was under my command.

Q Then I take it he is a fairly senior and responsible general? -- I don't know his rank -- colonel general or --

A Colonel general.

Q And under him was the 76th Corps, wasn't it, commanded by General Haer; is that correct?

A Yes.

Q And under General Haer was a Hermann Goering Division, commanded by General Schmalz, whom you mentioned this morning; is that right?

A General von Schmalz commanded, but previously I mentioned another name.

Q I think it was Schmalz at this time. Now, the Hermann Goering Division had been concerned in a number of these -- I will call them incidents; I won't say -- what I mean by incidents is the sort of thing which I have been describing at Civitella. Let me remind you of one or two. Do you remember at Stia, on the

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13th to the 18th of April 137 civilians were killed, including forty-five women and children; do you remember that incident? Civitella, that was on the 29th of June. And do you remember Buchini on the 9th of July; do you remember an incident at Buchini?

A It is feasible, but I will have to know the details first.

Q Perhaps you will remember this; I will put it to you generally, witness, because it is aperfectly general course of conduct, and there were a number of these incidents in which the Hermann Goering Division was engaged. Do you remember that?

H0082-0038

A There have been quite a lot of incidents like that on both sides, and I would have to have exact details before I could decide on a single incident.

Q Well, this is what I really want you to apply your mind to. Is it correct that the Hermann Goering Division was only under General Haer and General von Vitinghof for tactical purposes, and reported each day to Berlin to Reichsmarshal Goering as to what they were doing?

A The Hermann Goering Division for tactical purposes was under the Supreme Command of the Army, but I must assume that there was subordination of that division under the General Command. Whether there were any matters operating outside that, I don't know.

Q I will put the words exactly, and you can see where I have got the words from the way I put them:

"The First Airborne Division and the Hermann Goering Division came under the army commanders only as regards tactics; for all other question, on the other hand, directly under the Reichsmarshal, to whom they had to send daily reports. They were not permitted to receive orders from the army commanders concerning criminal proceedings, nor to report the results of such proceedings. Thus they carried on the war against guerrillas according to principles which to some extent deviated from those of the Army."

Is that a correct statement?

A That conception is correct, but theidea, the word "tactics", can be understood in various ways.

Q The word what?

A Tactics. The tactical subordination. That can be understood within large limits.

Q Witness, that is why I read the whole thing to you, because it is quite clear what the person's statement I am reading means there, isn't it? He says that they were not permitted to receive orders from the army commanders on criminal proceedings or to report the results, and that they carried on the war against guerrillas according to principles which deviated from those of General Vitinghof, didn't they?

H0082 - 0039

A This is the first time that I hear of this, but if another gentleman has said so then I must assume it is correct.

Q Well, are you sure it is the first time that you have heard about it? It is very difficult to remember every incident. Please don't think that I want to be offensive, but I want you to try to remember. Didn't General Haer make numerous complaints to you about this anomalous position with regard to the Hermann Goering division, and did you never give any official reply to General Haer's reports?

A Numerous reports did certainly not arrive fromGeneral Haer. There may have been frequent consultations in my command post. And may I add once more that such definitions of attitude were definitely in existence within the Army group, but I must add that I do not know which sector came under the heading "tactics" and which did not.

Q Well, I am not really putting the point to you quite clearly. What I am suggesting is this. If you disagree with "numerous", will you accept "some", that on some occasions General Haer reported to you that he was in difficulties through this anomalous position of the Hermann Goering division?

A That I can assume, yes.

Q Your chief of staff at this time was General Roettiger, wasn't he?

A Yes.

Q From the 10th of June onwards, just over this time, and didn't General Roettiger also talk to you about the position of the Hermann Goering division being under the special protection of Reichsmarshal Goering in Berlin?

A Yes. We discussed that subject quite a lot.

Q Well, as far as the particular incidents in which the Hermann Goering division is concerned, they took their orders from the Defendant Goering, who is sitting at the dock, didn't they, as to how they were to treat the partisans?

A I couldn't tell you that. Those channels by-passed me.

Q Yes. They by-passed you; they by-passed General Haer; they by-passed von Vitinghof; they by-passed you, and went straight to Berlin.

H0082 - 0040

That's right, isn't it?

A Yes, certainly. That was the exceptional channel which applied to the Hermann Goering Division.

Q Yes. You see, at the moment the Tribunal is dealing with the case of the Defendant Goering. That is why I ask you these questions.

Now, just one or two short points. You remember Dr. Laternser asking you one or two questions about the High Command and General Staff. Do you remember Dr. Laternser asking you some questions?

A Yes, I am aware of that.

Q Well, I wanted just to clear one part out of the way altogether. You must have realized, witness, that the body that is mentioned in this case has nothing to do with the Staff Corps of the German Army. I think you made that clear yourself yesterday.

A With what did you say?

Q With the Staff Corps. You had, both in the Army and the Air Force, a corps of officers who had gone through the Military Academy and were staff officers of all ranks, I suppose down to captain, hadn't you.

A The question isn't quite clear to me. That is why I am not giving you any answer.

Q I am sorry. You had in both the Army and the Luftwaffe a Staff Corps of officers who had been to Military Academy and were thereafter staff officers. And they had, I think , the right of reporting to the Chief of Staff directly if they wanted? Isn't that so? Is that right

H0082-0041

or wrong?

A That is not correct. Only, as I said yesterday, as far as education information was concerned. As far as the general attitude was concerned there was the right to influence General Staff officers, but the other way around, no.

Q Well, that Corps went right down, I suppose, to captain, or lieutenant didn't it?

A No, captain.

Q I though that was it. May I tell you, we are not interested in that corps at all. The Prosecution are not interested in that corps at all.

Now, with regard to the persons who are named in the Indictment, you know there are nine commander-in-chief or staff positions named, and then the Oberbefehlshaber, who commanded in certain areas or commanded certain fleets of the Luftwaffe. You have looked at that, I suppose, have you?

A Yes.

Q I am trying to put it shortly, Witness, so that we won't take time. I just want you to consider this. Are not these people who are mentioned -- that is, the heads of the OKW, OKH, OKM, OKL, and their deputies and the Oberbefehlshaber -- the officers in the German armed forces who would have most to do with the policy and planning of wars?

A The Oberbefehlshaber, supreme commanders of Army sectors or sections, were of course the advisory organs of the leader of the State in all military questions and military political questions. The supreme commanders of army groups had no influence whatever.

Q Well, I'd like you to take the case of two examples. I think you were present at both of these. Before the attack on Poland there was a meeting on the 22nd of August, which has been mentioned here before. Did that consist of these higher officers that I mentioned, the heads of the various branches, and also of the Oberbefehlshaber?

A It consisted of the leading officers, commanding officers, of the war in that military sector.

Q Yes. Well, at that time the sector which was going to be the subject of war was Poland. At that time the main purpose was considering the Polish campaign, wasn't it? The main purpose of that meeting, I suppose, was to con-

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sider the Polish campaign with the possibility of a campaign against the Western Powers if they came in.

A About that I can't give you any information.

Q Well, the Tribunal has heard about that meeting so often I am not going to ask about it. I am only getting from you the people who were there.

Now, let me remind you of another meeting. On the 9th of June 1941 there was a Conference Barbarossa for the attack on the Soviet Union. Do you remember that? Berchtesgaden.

A There was some conference, yes, but whether the 9th of June I don't know. But I did partake in one conference.

Q You were there, and again, before the Russian campaign, the people who were there were the holders of these supreme positions and the Oberbefehlshaber, weren't they?

A That's correct, yes.

Q Including those that had territorial commands, like, for example, General von Falkenhorst, who was the Army High Commander in Norway at that time. He was there.

A General von Falkenhorst?

Q Yes.

A I couldn't tell you. It is quite possible, but I don't know.

Q General Stumpf of Air Fleet 5, and, if I may, I don't know what the ranks were so I just give the names. Rundstedt, Reichenau, Stulpnagel, Schubert, Kleist, and of course Bock, Kluge, Guderian, Halder, Kesselring.

A The latter was certainly there. Stumpf and Falkenhorst, I can't tell you about those two.

Q So that before a campaign it was customary for the holders of these high positions to meet, wasn't it, to meet the Fuehrer?

A Certainly.

Q Now, I just want you to help me on one other small point. Do you remember saying yesterday to Dr. Laternser that the members of this alleged group were far too concerned with high matters of strategy to have anything to do with Fifth Columnists? Do you remember saying that, words to that effect?

A Yes, sir.

Q I don't know if you know, but outside Germany the name Quisling has become an ordinary word of use as an alternative to Fifth Columnist. Did you

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know that? You talk about a Quisling meaning a Fifth Columnist. You haven't heard that?

A No.

Q You know who Quisling was?

A Yes, indeed I do. Yes, of course I do.

Q Well, I'd just like you to listen to this, because it concerns your service. The Defendant Rosenberg, in January 1940, wrote to the Fuehrer as follows:

"Assuming that his" -- that is, Quisling -- "statements would be of special interest to the Marshal of the Reich Goering for aero-strategical reasons, Quisling was referred to State Secretary Koerner by the Foreign Affairs Bureau." Did he come to you at all for aero-strategical reasons?

A Unknown.

Q Now, did you know that the Defendant Raeder introduced Quisling to Hitler in December 1939? Did you know that?

A No, unknown.

Q You agree that the head of the German Air Force and the head of the German Navy are important members of this group of commanders-in-chief, aren't they?

A Supreme commanders? Yes.

Q If they were dealing with the typical Fifth Columnist, perhaps members of the group had more to do with Fifth Columnists than you knew.

A I merely talked about the views of the Supreme Commanders on the front when I mentioned that yesterday, and our talks were in a different sphere.

SIR DAVID MAXWELL-FYFE: My Lord, I think I have finished, but perhaps your Lordship would allow me just over the adjournment to see if there is any small point.

My Lord, the other thing is this. I think we ought to put in these documents to which I have referred, because the Defense may want to deal with them later on.

THE PRESIDENT: Yes, if they haven't already been put in.

SIR DAVID MAXWELL-FYFE: I think some of the orders haven't been put in. I have read part of them into the record, and I will put them in.

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THE PRESIDENT: They must be put in and marked then.

(A recess was taken until 1400 hours.)

H0082-0045

Official Transcript of the International Military Tribunal in the matter of The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany on 13 March 1946, 1400 to 1700, Lord Justice Lawrence presiding.

ALBERT KESSELRING, resumed.

BY SIR DAVID MAXWELL-FYFE:

Q Will you direct your attention to the phase after the bomb plot in Rome on 23 March 1944. Do you remember what I had in mind--the bomb plot in Rome? Remember? At that time your Chief of Staff was General Westphal, and he reported the plot direct to General Bottler? Perhaps you will help me as to the pronunciation? B-u-e--

A Winter.

Q General what?

A General Winter.

Q Didn't he report to a General Buettler, spelled B-e-t-t-l-e-r?

A Von Buettler.

Q General von Buettler?

A Who was his predecessor.

Q General von Buettler informed your Chief of Staff that he would have to report the matter to the Fuehrer, is that right?

A That is correct.

Q And he got in touch with the defendant Jodl, and the defendant Jodl and the defendant Keitel reported the matter to the Fuehrer?

A That is most probable.

Q The Fuehrer gave an order that either twenty or ten--you aren't quite sure which, but you rather think twenty--Italians should be killed?

(There was a noise in the court-room.)

SIR DAVID MAXWELL-FYFE: I will begin again.

Q The Fuehrer made an order that either twenty or ten Italians were to be killed for every one German involved in the plot, isn't that right?

A I believe that that is the report by Westphal, which I must assume is correct.

H0082-0046

Q Can you remember, Witness, whether it was twenty or ten now?

A I assume ten, but I don't know the exact number. I assume ten.

Q We will take it as ten for the moment.

The competent authority for Rome was General von Mackensen, wasn't it?

A General Colonel Mackensen was in charge of the14th Army, and the commander of Rome was subordinate to him.

Q And the person, to use your words, who advised him on this matter was a man called Katler, wasn't it?

A Kapler, of the SD.

Q What was he? An obergruppenfuehrer or something like that?

A Obersturmbannfuehrer.

Q You remember, after some comments in the Obsatora Romano, you had an inquiry directed into this incident from your intelligence officer whose name was Zolling, don't you?

A Yes, that is correct.

Q And you also got a report from Kapler himself, did you not?

A Only by telephone did I receive a report from Kapler, to the effect that the people who have been adjudged were there.

Q Didn't Kapler tell you that he had executed 382 people?

A This explanation was in the hands of the 14th Army and I have no direct information and had no direct conversation with Kapler.

Q Are you sure of that?

A At the end I wish to emphasize I conversed with him by 'phone after I arrived at the theatre of operations, and this report was given me, but direct communication I do not recall. I do remember that later on, perhaps eight to ten days later, we had a meeting and told him that I was grateful to him that this rather distasteful matter had been taken care of, which was just and morally free.

Q Let us see what you had to be grateful about. You were interrogated about this on the 8th of January. Do you remember being asked this question?

"Then Zolling didn't tell you that all this number that were executed had previously been convicted of some crimes punishable by death?" and you answered, "Yes, I said that. All right, yes, he did that. Even Kapler had told me that."

A Yes, that is correct.

H0082-0047

Q So the explanation which you say was given to you was that they took a number of people, 382 I suggest, who had been guilty of other crimes and executed them as a reprisal for the bomb plot, isn't that right?

A That is correct, with the assumption that these people had been sentenced to death.

Q This has already been put to you. This is Kapler's account, that of the 382, 176 had committed acts punishable by death; 22 were people whose cases were marked "closed"; 17 had been sentenced to terms of labor; 4 had actually been condemned to death; 4 had been arrested near the scene of the crime. That made 223.

Didn't Kapler say to you, "Later the number of victims rose to 325 and I decided to add 57 Jews"? Didn't Kapler give you these figures?

A No, he did not.

Q But you agree with this, that a large number of persons were executed in consequence of the order to kill ten Italians, or maybe twenty Italians, for one German who had been ki lled?

A I would admit that, with the assumption that I have already stated, that we were concerned with people who had already been convicted and sentenced.

Q But it didn't make any difference to you whether they had been convicted for the bomb outrage or for any other offense?

A The situation was as follows: This battle was raging heavily, and at this period of time there was a bombing attack against this sector. From Roman circles matters had been handled in a most mild way of treatment, and the case on the German side was so that Mackensen (?) and others were concerned to ease the situation, and something had to be done on one side, and onthe other side something had to be done which would prevent measures of this kind, that is, a branding for the public, an announcement that something could not be done against the German Army without drawing the consequences of these acts, and the vital point for me was not whether Mr. X or Mr. Y was concerned in this plot. This question for me was minor. The problem of prior importance was to have public opinion on both sides quieted and satisfied.

H0082 - 0048

Q Your prior point was to take a third attitude, or some people might say "terrorize" the population, so that they would not repeat or do anything against the German army.

A I do not know exactly if suppression lead back to Rotterdam, and I did not use suppression to my knowledge, and I would like to repeat in one case, if I may say so, had ideal friendship conditions with the Italians, if I may be permitted to say so, and I had a reason to be interested in promoting friendship rather than enmity, and I intervened only and in a decisive matter if, in a brief period of time, the best points were to be furthered.

Q I asked you various questions about your acts of friendship to the Italians this morning and I am not going back to them. I only want to ask you one other point about which perhaps you will be able to relieve my mind. On the 2nd of November, 1943, were you the commanding general in Italy, that is, after you became--

A May I add something to point 1?

Q You just come on to this point and I want you to tell whether you were the commanding general in Italy the 2nd of November, 1943? Were you?

A Yes, I was.

Q Do you remember sending a telegram to the OKW that three British commandos taken prisoner at Peskara were to be given special treatment?

A That is correct.

Q That means murder, special treatment; it means that they were killed by the SS?

A No, it does not. I beg your pardon. As I have already mentioned before, those people were not shot, but when they were wounded, were taken to a hospital and, as far as I recall, into an internment camp if they were unhurt.

Q There were nine others who were taken to a hospital and three, according to your telegram, got special treatment and nine

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others were taken to hospitals. I was going to ask you about these taken to hospitals. What did you do with people who came under the Kommando Order who were taken to hospitals?

A As I have already stated before, according to the principles of the Hague Convention, they were treated according to the principle of this Convention.

Q Well, I am not going to argue with you whether the Kommando Order was in accordance with the Hague Convention. We know what the Kommando Order was, that people taken as commandos were to be shot. What I am asking you is, that supposing some commandos had the misfortune to be wounded, what happened to them?

THE PRESIDENT: Wait a minute!

THE WITNESS: I would like to answer.

THE PRESIDENT: Is it coming through now?

DR. LATERNSER: I cannot understand the question, your Honor.

SIR DAVID MAXWELL-FYFE: Very well, I will repeat the question.

BY SIR DAVID MAXWELL-FYFE:

Q After Hitler's Kommando Order, what happened to commandos who were unfortunate enough to be wounded?

A According to the verbatim of this Order they had to be shot, but as I stated before already, these orders in this case--I believe the collaboration of Jodl was in this case, that a normal procedure was followed.

Q There is evidence in this Court that in Wilna it was the practice of the SS to kill out of hand new-born Jewish babies in hospitals. Can you give me your assurance that commando troops who were wounded and taken to hospitals were not killed out of hand?

A I can assure you that such treatment-- I was not informed of any such matters and would not have tolerated them.

THE PRESIDENT: Does the Prosecution have any further cross-examination?

Then, Dr. Stahmer, do you wish to re-examine?

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DR. STAHMER (Counsel for Defendant Goering): The British Prosecution has just raised new facts which have not been known up to this time, especially about the shooting of hostages, and this happened in Italy in the partisan combat and for which the Defendant Goering seems to have been made responsible or seems to be made responsible. For this matter, there has been submitted further documents.

At this time, I am not in a position to state my attitude as to the facts as well as to the serious accusations and wish to put the following questions to the witness. After a thorough examining of the material, I will wish to submit motions or requests and reserve the right, respectfully, that if I need further questions, whether I may have access to this witness again. If need be, naturally I will be satisfied to ask for the absolute minimum of testimony in the framework of the accusations just made, in order to prevent a prolongation of this proceeding.

THE PRESIDENT: Dr. Stahmer, the Tribunal thinks that you must re-examine the witness now and that if you wish to make an application hereafter to recall the witness you will have to show very strong grounds for doing it. You may make written application to recall the witness at a later stage, but I would point out to you that the cross-examination of this witness has not been solely relevant to the case of the Defendant Goering. He is a member of the General Staff and, as it was pointed out to him at the opening of one part of the cross-examination, he is one of the accused persons as such, and the evidence, therefore, may be relevant to Goering, or it may have been relevant to the General Staff. Is that clear to you?

DR. STAHMER: Yes, I quite follow, but I can only put questions if I am in complete command of the facts. I am not in such a position at this time because documents were referred to which were completely unknown to me and, as far as I know, the Prosecution should present this material to us.

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THE PRESIDENT: Documents were put to the witness and, as I say, the Tribunal will consider any application which you make hereafter to have this witness recalled, but you may continue now with your re-examination and finish with the witness.

DR. STAHMER: At present I have no further questions to the witness.

THE PRESIDENT: Very well. Then the witness can retire.

(The witness retired.)

H0082-0052

DR. LATERNSER (Counsel for the General Staff and the OKW): Mr. President this morning, through a member of the prosecution and through the present announcement of Mr. President, I noted that the witness was called a defendant twice. I believe that that is not correct, because he functioned as a witness and the individual is not indicted but just the group, and I do not believe it quite correct to call him adefendant.

THE PRESIDENT: Dr. Laternser, possibly it was an error to call him an accused person, but he is a member of the General Staff. I rather think that Sir David Maxwell-Fyfe made it clear that he meant only a member of the group, which the Indictment asked the tribunal to declare criminal. That is all that is meant, and I was only pointing out to Dr. Stahmer that the questions which have been asked were not necessarily relevant to the case of the defendant Goering, but might be relevant and relevant alone to the case of the General Staff.

DR. LATERNSER: Mr. President, I appreciate the position of the individual generals. I just wish to prevent that assumption, even though it is thought that they should be called accused or defendants. I wish to prevent that.

THE PRESIDENT: Very well.

DR. STAHMER: If the High Tribunal agree, I wish to call the former Reichsmarshal Goering, to the witness stand.

HERMANN WILHELM GOERING, a defendant, took the stand and testified as follows:

Q Will you gave your name please?

A Hermann Goering.

Q Will you repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

BY DR. STAHMER:

Q When were you born and where?

A On the 12th of January, 1893, at Rosenheim, Bavaria.

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Q Give the Tribunal a short biography of yourself up until the first WorldWar, but briefly, please.

A Normal education, first tutored at home; then cadet corps education; then active officer.

Just a few points which are decisive about my later life. The position of my father was the first governor of Southwest Africa. His friends had powerful connections abroad, especially two British statesmen, Rhodes and Chamberlain. Then the strong affection of my father towards Bismarck.

As for my youth, part of it was spent in Austria, and I had close connection between Austria and Germany.

At the beginning of the World War I was a lieutenant in an infantry regiment.

Q In what position did you participate in the first World War?

A As I just mentioned, at first a lieutenant in an infantry regiment, and after October 1914 I was aircraft reconnaissance man. Then in 1915 I was a leader, that is, reconnaissance flight man, on bomber reconnaissance work, and then in the autumn of 1915 I was a fighter pilot. Then I was seriously wounded in aerial combat. After my health was restored I was a leader of a fighter squadron, and after the death of von Richthofen I became the commander of the then very famous Richthofen Squadron.

Q What war decorations did you receive?

A First the Iron Cross Second Class, then Iron Cross First Class, then the [illegible] Carl Frederic Order, and the Order Pour Le Merite, which was the highest decoration possible.

Q Tell the High Tribunal when and under what conditions you came to know Hitler.

A I would like to put a hypothesis or condition before I go on. After the defeat in the first World War my squadron was demobilized and the demand to enter the Reichswehr was refused by me because from the beginning I was opposed in every way to the reaction and to the republic; I could not have combined this with my inner convictions; therefore I went abroad to find a position. After a few years I wanted to come back to my own country, and spent quite some time at a hunting lodge in the mountains and studied. In some way I wanted to

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participate in the fate of my country, but as an officer I could not do it for the reasons above mentioned and would not do it.

These hypotheses or conditions I wanted to establish. I attended the university at Munich and studied history and political science. I lived in the neighborhood of Munich and settled down there with my wife. Then one day, on a Sunday in November or October of 1922, the expedition was started of our military leaders to this protest meeting or announcement at Munich, and to this protest announcement I went as a spectator without actually participating.

Several speakers of various parties and clubs were active there and gave speeches. Toward the end Hitler appeared. I had briefly heard his name before and wanted to hear what he had to say. He declined to speak. It was pure coincidence that I was near. He wanted unity. He did not want to disturb the unity of this announcement, and did not see himself in a position to do so, as he said, these were really mild citizens, and he did not wish to take the word from them and send off protests, protests which had no weight. This made quite an impression on me because I was of the same opinion.

I inquired and found that the following month, in the evening, I could hear Hitler speak, for every Monday evening it was his custom to have meetings. I attended, and there Hitler spoke in connection with the announcement about Versailles, the peace of Versailles, and the refusal of Versailles.

He said that these empty protests had no sense, and that a protest would be logical only if there was power which could put weight behind the protest.

That attitude was word for word from the depth of my soul, and in the days following I went to the business office of the NSDAP. At that time I knew nothing of the program of the NSDAP; I knew only that it was a very small party. I had also looked into the other parties and their programs. After, at a national meeting - I had no political convictions, but voted democrat. Then after I saw whom I had elected I took no more notice of politics; kept myself apart from it.

Finally I saw a man who had a serious and definite aim. I just wanted to speak with him to see if in any way I could assist him. He received

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me at once, and he was very grateful and considered it a stroke of good fortune that we should meet. We spoke about the things which were dear to our hearts -- the defeat of our fatherland -- and that we could not be content with the situation.

The chief theme at this conversation was Versailles. I told him that so far as I was concerned everything that I had and was he could have and dispose of me and my person in the most vital and decisive manner. And I wish to oppose the Treaty of Versailles.

The second thought which impressed me very strongly and from which I received a strong impression and which I considered as a condition was the fact that he told me at length it was not possible under the conditions then prevailing; only those things which were considered natural at that time, may it be political, the so-called national party, or those who call themselves nationalists, or the then existing societies or clubs, fighting clubs, the free corps, and so forth, carry weight.

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With them alone it was not possible to make a complete change, as long as the mass of the German labor was against these things. Germany was to be resurrected only if the masses of German labor were behind one, and, carried by the broad masses of the people to resurrect the will to freedom against the shackles of the dictates of Versailles, and that only in a unification of thenational concept and of the putting of a national aim this could be done.

He gave me a very wonderful and deep explanation of the concept of National Socialism on one side and socialism on the other. These two concepts were to be united, and that nationalism and the citizenry and the socialist masses could be comprehended into one idea, and that there was to be a new unit of bearing of these thoughts.

Then we went to the practical side, in which he asked me that at all costs to help him in one point from the beginning, to assist him, and that within the Party, as small as it was, there was a special selection which he had made of such people who were the most convinced followers, and who were to disseminate the ideas without reservation.

He said he knew how strong at that time, everywhere, Marxism and Communism were, and that in the meetings he could just make his points, since his meetings had to be protected. To protect meetings from rioters and dissenters, he had established the SA, and he was on the lookout for a leader who, according to his concepts, who, during the last war, could have risen--from the last war, which was just a few years behind, so that the necessary authority could be present. He thought of a man who had the proper merit would be either a flyer or some other officer, and now it seemed to him a good stroke of fortune that I should be the last commander of the Richthofen Squadron and should be at his disposal.

I told him that as far as I was concerned, it would not be too desirable from the beginning to take a leading role, since it might appear that I had just entered because of this position. We finally reached an agreement that for one to two months officially I was to remain in the background, and then to take over the leadership, but that from that moment on I was to make my influence felt. I agreed to that, and in that way I came to know Hitler.

Q And when was that?

A The end of October or the beginning of November in the year 1922. Either October or the beginning of November, 1922.

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Q And when did you officially enter the Party?

A That was about the same date. Just a few days after that I became a registered member.

Q And what tasks did Hitler give you; that is, up until the November Putsch, 1923?

A The tasks arose from my position, which at that time was commander of the SA. We had to weld the SA into a definite unit, to form discipline, and to weld it into a completely reliable unit which would carry out my orders and the orders of Hitler. Up until that point it had just been a club which had been active but which had lacked discipline and shape. I was concerned right from the beginning to bring into the SA those members of the Party who were young and who were ideally minded enough to give their free time and their personality to these matters, for at that time it was very hard for these brave men, because, after all, we were very small and our opponents were very powerful, and even in those days these men had to suffer all sorts of things.

In the second place I was interested in getting members among labor, for I knew that among labor many members were to be incorporated into the SA.

Then, at the same time, it was taken for granted that we were interested in having our meetings, which were held in Munich and the upper regions of Bavaria, which was a very small territory, and to have these meetings in peace without disturbance. In most cases we succeeded. Sometimes, perhaps, we had a mass of our opponents present, and at that time there were still weapons, because of the war which was in the not too far distant past. Critical situations arose, and we had to send for reinforcements to other localities.

Then, in the course of 1923, through Bavaria and through Germany the opposition became stronger and stronger, and we saw that the then Bavarian regime wanted to travel a different path from that of the Reich. The Reich regime was strongly Marxist, but the Bavarian regime was far from that. It was a citizenry party.

Then in Bavaria the regime was suddenly changed. Von Kahr was taken into the government, and this man had all authority for the Bavarian government. There was a conflict with the Reichswehr. The 7th Reichswehr Division, stationed in Bavaria, was freed from an oath of loyalty to the Reich and had to give an oath of loyalty to Kahr.

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The same thing applied to the Bavarian police.

The Bavarian government at that time was connected with the so-called national societies, which were half military and, of course, were armed. The whole thing was directed against Berlin and, as we expressed it, against the Republic. We could agree up to a certain point.

On a Sunday, the 9th of November, there was a large parade at Munich. The Reichswehr, the police, and the whole Bavarian regime was there. We were too. Suddenly, at this parade we saw that the figure in the foreground was not Mr. von Kahr but the Bavarian Crown Prince, Ruprecht. We were dismayed, and the suspicion arose among us that Bavaria wished to go her separate way, a way which would lead to almost a secession of Bavaria from the Reich regime. But we were intent on having anything but such a step. We wanted a strong Reich, a unified Reich, but we wanted it cleansed of those things and parties which were then ruling it.

We were mistrustful about this parade to Berlin. When this became a certainty, and Mr. von Kahr called this meeting in the Buerger Brau Cellar, it was thelast hour to prevent and frustrate those plans.

Then, the 9th of November, 1923, materialized very shortly. But I personally am concerned, and I never refused to acknowledge this. I was always ready to take part in each revolution, no matter what the origins were, a revolution against the so-called November State, and for this task I had always put my services at disposal.

Then I was wounded at the Feldherrnhalle, and with this incident I can close the first chapter.

Q Then, after that time, did you meet Hitler again?

A Then I went to Austria and was in a hospital. There was a case before the German People's Court Regarding the 9th of November, and Hitler was indicted, and all those who had been apprehended. I had been very seriously wounded and had been in upper Bavaria for several days, had been brought to the border, arrested, and then the Bavarian police brought me back. I asked Hitler at that time, in these days, whether I was to be present at the court proceedings. He urgently asked me not to do that, and I agreed. In this manner the proceedings could not be held behind closed doors, because I had made the statement that if that were done I would make a suitable publication.

H0082 - 0059

Then, after my recuperation, I spent about a year in Italy. In the year 1926 or 1927 there was a general amnesty for an illegal, if I may so say, proceedings which had taken place and for the people who had participated. This amnesty was granted, and I could return to Germany.

Then I met Hitler for the first time again in 1927 for a very brief conversation at Berlin. I was then not active in the Party, but I wanted to have an independent position once more.

Then I was not in connection with Hitler for months. Before the Reichstag elections of 1928 in May, Hitler had me called in and told me he wanted me to be a representative for the Reichstag and whether I was agreed. He asked me and I said, "Yes."

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Then I resumed my activity for the Party.

Q Had you entered the SA?

A No, at that time I had no connection with the SA. In the meantime there had been a change of membership, and the new leader, Mr. von Ffeffer, wanted to keep his position and did not want me to resume a close connection with the SA.

Q Then after 1923 you had no office in the SA or position in the SA?

A After 1923 my active work in the SA was completed. After the resumption of power, at a later date, some honorary positions were established. I received the highest rank as an SA honorary member.

I came back in 1928, was elected to the Reichstag and from that period of time on was a speaker for the Party.

The SA, I do not recall in what year, was erected and at that time it was not limited to Bavaria, but had spread to the whole Reich.

Q Was it prohibited after 1923?

A Yes, shortly after 1923.

Q And was this prohibition rescinded?

A I cannot tell you because it happened when I had not returned to Germany. But in any case it had apread over all of Germany and was now essential.

The parties at that time, all large parties, had their fighting units, and I would like to point out that especially active was the Red Front, which was a Communist organization, one of our strongest opponents. There was constant friction, and they tried to create disturbances at our meetings. Then in addition there was the Reichsbanner, the organization of the Social Democrats. There was the Stahlhelm; that was a national organization tending to the right, and then there was the SA, which may be mentioned in the same capacity.

I would like to emphasize that at that time the SA had to suffer heavily and often. Most of the SA people were small people, workers, men who only for idealogical reasons took part and who worked in the

H0082-0061

evenings, late at night without receiving a cent in payment, who believed in their Fatherland and therefore worked with us. They were often heavily wounded and some of them were killed. They were persecuted by the Government. They could not be officials; an official could not be in the SA. They were under constant, terrific pressure and I would like to emphasize that I had the highest respect and affection for these men, these SA men, who, not as has been pictured here, were not just decided upon doing something cruel. But they were men who were willing to undergo the greatest difficulties, because of their idealogy, and therefore left many of their own things undone to carry through their ideals.

Q And what was your position at that time, that is, from 1928 until the taking over of power?

A I had no office in the Party. I was never a political leader and that may sound strange. I was a member of the Reichstag, as I have already mentioned, and of course was a speaker, and by that I mean I travelled from city to city and tried to do what I could to spread the Party, to strengthen it, to bring in new members and to bring Communists and Marxists as members into our Party in order to get a broad base amongst the people in the Party.

In the middle of 1932, after numerous elections had taken place--and we had to electioneer and hold many speeches, perhaps three an evening or all through the night--I became a member and our Party was the strongest in the Reichstag and I was elected as President of the Reichstag. With that I took over a political task.

Shortly before then, at the end of 1931, when I saw that the Party was on the increase and was growing heavily, the Fuehrer talked to me about the matter. He said that he would like to be independent of a Party Office and that he would like an independent deputy who could direct political meetings, and this leader was not to be tied down to any particular office. He asked me whether I was interested in this office, especially since I was living in the capital, that

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is, Berlin. I took this task, but it was no office, it was of a general nature. In a few words, I had the freedom, insofar as all the parties were concerned from the left to the right, to deal with them, I may say, concerning general proceedings in the Reichstag or as to the taking of political steps in connection

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therewith. Of course, there was also present the task of spreading our ideals and the permeation of our ideals in all spheres.

As I have already mentioned as to industry, the church and other circles, I was connected with them and had access to all these circles. In this matter I seemed suitable to the Fuehrer and that the Fuehrer could absolutely depend upon me and he knew that I would muster all my powers to spread our ideals. Then I was President of the Reichstag and in that capacity my task was eased, for now I had the legal authority and was duty bound, I might say, to participate in political events.

If, for instance, a government fell in the Reichstag I had the duty to suggest to the Reichspresident what the possibilities were for a new government, which coalition would be suitable and to be considered. It so happened that the Reichspresident was always duty bound to receive me in a matter of this kind. There was a close connection between the Reichspresident and myself. I would like to emphasize that this connection had already existed before; that Field Marshal von Hindenburg, if I requested him to, in memory of the first World War from which time he had known me, always received me.

Q And how did you collaborate in the calling up of Hitler for Reichschancellor?

A I would like to add that no office was held by me in the Party. There was no political office which I held by despite that my position and rank, especially since the end of 1931, since my contact with the Fuehrer was more and more direct and was his special righthand man, and all of these things, developed in a regular, legal way and were increased after the seizure of power.

As to the calling in of Hitler, I would like to clarify that situation to the Tribunal and describe the events that preceded it. The balance amongst the parliamentary parties, even as far back as the end of 1931, had been disturbed. Everything was at odds in Germany and no real, reliable and durable parliamentary majority could be produced, even at the time that the "special decrees government" came in under the cabinet of

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Bruening, which also worked with the Ermaechtigungsgesetze. They were also concerned with Article 48 of the Constitution.

Then there was the cabinet of von Papen, which was not just on a parliamentary basis. Von Papen at that time tried to operate on a purely parliamentary basis and he tried to call in the strongest parties -- the National Socialists, and asked them to establish a firm basis, together with other parties. There was conversation that Hitler should be Vice-Chancellor in this cabinet. I remember that I told von Papen Hitler could become any number of things but never a "vice" or a second man. Wherever he was participating he would be the leader. It would be completely unbearable that our leader should take a secondary position. At that time he would have played the role and Hitler would then as the deputy or representative of the strongest party cover up but we were against this and refused it. And I say that, notwithstanding the fact that von Papen is in the dock with me, I told him that this plan could not be followed through; that we would not support him; that we would oppose his cabinet in the Reichstag as we would fight every cabinet which would not give us the leading influence in the Chancellory.

I do not know for how many months von Papen ruled. There was a conflict between him and me, he as Chancellor, I as the President of the Reichstag, and I was interested in overthrowing his government. I knew that the Communists were interested in a vote of no confidence which all the other parties would participate in . This vote of no confidence was to be expressed at all costs so that the Reichspresident could see to it that these cabinets could not rule without the proper background. I saw the "red briefcase" and knew what the decision would be but we took votes anyway. Thirty-two votes were for von Papen and about five hundred or so were against him. The cabinet of von Papen resigned.

Up until that point all parties had put up cabinets and I do not mention the small, fragmentary parties but all men who were at our disposal had already been presented to the people. Towards the end more and more

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the political figure behind the scene was the then Minister von Schleicher. At this point there were only two possibilities. Either as a consequence of existing conditions of power the leader of the strongest party, as is customary, would be taken into the workings of the system and have our confidence or the man who was operating behind the scenes would be supported and Mr. von Schleicher himself took over the Chancellorship in connection with this office -- and this is important -- that of Military Minister and we knew, everyone knew, what the aim and purpose was. Von Schleicher did not have the sympathy of von Papen, could not bring a majority to hand.

A military dictatorship was planned by von Schleicher. I talked with von Schleicher and told him at that moment it might be possible to produce a parliamentary majority. The various parties could be welded into one in order to produce a majority. I personally saw that this majority would be only temporary because our interests were at odds and I was indifferent in which way our Party could be brought to power, whether through a parliamentary majority or through the calling in by the Reichspresident. Then Mr. von Schleicher knew that he could not remain as Chancellor. There were special Ermaechtigungsgesetze and the Parliament, even before the seizure of power, had been excluded from legislating.

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I told Mr. von Schleicher the same fighting words in Parliament, but much stronger than I had given them before in person.

In the meantime, the presidential elections had taken place, and after that, a Reichstag election, and the cabinet of von Papen, after it had been dissolved, renounced some seats in the Reichstag and just had 292.

Now, in January there were further elections. They showed an increase by our Party and showed that the short crisis had been mastered and that the Party was stronger than ever before.

On Sunday, the 22nd of January, 1933, I was in Dresden at a large political meeting. It was in the morning when I was called by telephone by the Fuehrer and was directed to come to Berlin immediately by motor. I arrived that afternoon, and he told me about the things that I had already known, that the Reichspresident was not satisfied with von Schleicher any longer and saw that political things would have to take a turn, and that the Reichspresident himself wished to bring the strongest party into a seat of responsibility. Before that time, in a very clever way, a wrong impression had been created with the Reichspresident against the Fuehrer himself, and the President was not kindly disposed toward the word Socialism.

Then, briefly, at that time Hitler told me that that evening, at the home of von Ribbentrop -- I believe von Papen was to be present also; whether Meissner, who was the State Secretary was there, I don't know -- the son of Field Marshal wanted to inquire for his father what possibilities there were of having a Chancellorship by Hitler and of bringing in the Party.

In a rather lengthy discussion I told the son that he should tell his father that he would be shipwrecked with von Schleicher, and told him the demands for forming a new government, and heard the intention of the Field Marshal, that he was already prepared to give the Chancellorship to Hitler and to make a party as the chief basis of the new government if Adolf Hitler could bring in the Steel Helmet, for he wanted a clear-cut national basis for the government, and the Steel Helmet, the Stahlhelm, was not a parliamentary party but had many followers.

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We did not discuss anything else of any importance that evening. I told the son of Hindenburg that he might tell his father that everything would be carried out as we had discussed it, and the Fuehrer gave me the task of making all agreements with the parties during the next week, and of coming to agreement with the parties and the Reichspresident.

THE PRESIDENT: I believe we will take off now.

(A recess was taken)

BY DR. STAHMER:

Q We were dealing with the question of your cooperation in the appointment of Hitler as Reichschancellor. Would you continue.

A I had arrived at the last decisive week. The negotiations had become a little more difficult because the Field Marshal, Reichpresident von Hindenburg, who knew the Fuehrer personally only from two conversations, and who, for many years, from many sides, had heard things and thought he had reasons to be suspicious simply because he did not know him, had demanded some rather serious limitations. We, as the strongest party, concerning future measures had to take the responsibility for the people, and these limitations with regard to our strength would mean a weak part in the government.

One cannot forget that at this moment Germany had arrived at the lowest point of its downward development: 8 million unemployed; all programs had failed; no confidence in the parties; a very strong increase in revolutionary tendencies; political insecurity. Measures had to be taken which, if we should come to power, were expected from us fully, and for which we had to stand. Therefore, it was rather difficult, in taking over such a responsibility, to have such political limitations.

First, the Reichspresident wanted, under all circumstances, that Herr von Papen should become Vice Chancellor in this Cabinet. Aside from the sympathetic personality of von Papen, he did not bring us anything, because there was no party behind him. The Reichspresident, however, demanded beyond that that Herr von Papen should be present at the reports which the Fuehrer, after being appointed Reichschancellor, had to give the Reichspresident, but from this we departed very quickly.

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Secondly, the Reichspresident thought the Foreign Ministry should be independent of all parties, and should be in the hands of Herr von Neurath. Herr von Neurath also brought nothing in the way of political power for us besides his knowledge and ability.

Thirdly, the position of Prime Minister for Prussia, which, next to the Reichschancellor in Germany, was the post which was most important, should also be in a personal union with Herr von Papen. That is, Herr von Papen should also hold that job. Before the World War, as it is known, for these reasons Reichschancellor and Prussian Prime Minister were always one person.

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Next, the Reichs president demanded that the Reichswehrminister, the Army Minister, should also be an independent person, a soldier; and he himself appointed him, without any influence from our side, in the person of General von Blomberg, who, at that time was at the Disarmament Conference in Geneva. Herr von Blomberg was neither personally known to the Fuehrer nor myself at that time. Therefore, there were already essential and decisive posts within the Cabinet in the hands of personalities on whose choice we had no influence.

However, that was increased during the week with further demands. It was demanded that the Finance Ministry should be in the hands of Count Schwerin Krosigk, again a man without the background of the political party. As to the Traffic Ministry, or the Ministry of Traffic - Herr von Eltz - here the same thing applied. It was demanded that the leader of the Stahlhelm, Seldte, should be taken into the Cabinet. Certainly the Stahlhelm was a rather large, extensive movement, but not politically, and not represented by a single representative in the Parliament or in the Reichstag.

As a large and really political party there remained only the German Nationalists, with 36 seats, as the only parliamentary ally, so to speak. Here also quite extraordinary demands were put, which were in no relation to the smallness of that party.

In the end we received, as the strongest party at that time, 232 seats, and only the following: The Reichs Chancellor, then Dr. Frick; the Minister of the Interior for the Reich in the Cabinet; and myself as the third, first as a member of the Reich Cabinet, as Reich Commissar for Aviation -- that is, of a subordinate department, which was part of the Traffic Ministry, but no department otherwise.

Then I succeeded in becoming Prussian Minister of the Interior and thereby of the largest land in the Reich, the person who had the most important starting position for this grouping of power within the Reich.

It was an extraordinarily difficult affair. At the last moment there was a danger that the forming of the Cabinet would not succeed. There were two factors. The Fuehrer had made the condition that shortly after the forming of the new Cabinet a new election for the Reichstag should take place, in the

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correct recognition that the Party would be considerably strengthened thereby and that, if possible, the Party would represent an absolute majority and would be in a position to form the parliamentary platform of the Government.

Hugenberg, as leader of the German National Party, absolutely contradicted this, and he was right in recognizing that this party would probably disappear more or less throughout this election. Five minutes before the Cabinet was formed, there was danger that it would fall apart, for these reasons. It was a pure coincidence that at that moment the Reichspresident took the oath of the new ministers, and so the Cabinet was formed.

The second danger appeared from Schleicher's side. Schleicher, on Sunday, in confidence, then offered to the Fuehrer and to myself the following. He wanted to stress that the Reichspresident was not a sure factor for the new government; it would serve the purpose better, although he had been retired the day before, if he would be ready to go with us from that time on, and not on a parliamentary basis of any kind, but on an entirely new platform of a connection between the Reichswehr and the NSDAP, to form a government.

The Fuehrer refused, recognizing that this would be impossible and it would not be decent.

When Herr von Blomberg, Monday morning, arrived at the railroad station from Geneva, he received two orders. The first was from Herr von Hammerstein, Chief of the Army, his superior, to come to him immediately. The second was an order from Hindenburg, his commander-in-chief, to come to his house.

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At that time there threatened a putsch from the side of Schleicher-Hammerstein with the Potsdam Garrison.

On Sunday night I pointed that out to Reichspresident von Hindenburg, and that is the reason why Herr von Blomberg, two hours before the rest of the Cabinet, was already nominated to War Minister, or Reichswehr Minister, in order to prevent any wrong action by the Reichswehr beforehand.

At 11 o'clock on the morning of the 30th, the Cabinet was formed and Hitler nominated Vice Chancellor.

Q Had the Party come to power in a legal way, in your opinion?

A Of course. Certainly the Party had come into power legally because, according to the Constitution, the Party had been called upon by the Reichspresident and, according to the principles, the Party should have been called upon much sooner than that. The Party had come into power only in the way of normal elections, according to the laws of elections which then existed

Q What measures were taken after Hitler's nomination to fortify the power, or to strengthen the power, of the Party?

A It was well undefstood by all of us that as soon as we had come into power we were decided to keep that power under all circumstances. We did not want this power for power's sake, but we needed power, and the power of the government, in order to make Germany free and great. We could not leave this to the play of coincidence by way of elections and parliamentary majorities, but this task, which we thought we were capable of, we wanted to carry out.

In order to strengthen this position of power, it was necessary to rebuild the political relations of power. That was carried out in such a manner that shortly after the seizure of government power in the Reich and in Prussia, after the taking over, the other Laender would follow automatically. And there, in all these parts, more or less strong National Socialist governments were formed.

Secondly, it was necessary--as that is the use everywhere, of course--it was necessary that so-called political officials, according to the Constitution, could be put at our disposal; that is to say, they could be

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retired at any time. These officers had to be put into the hands of the strongest party.

If we speak of the definition of legality in describing how we came into power, I want to underline two elements specifically.

First, in the years 1925 to 1932, not less than thirty Reichstag Landtag and president elections took place in Germany. That there were 37 parties with their candidates in one Reichstag election alone, can give you a clear picture. Therefore, it was possible that a strong group formed the so-called government majority, and another group the oppositon, and from entirely different points of view; opposit ion, for instance, made by Communists and National Socialists together, and by a small party which had eight representatives all together, which was not in balance, and intwo readings of each law. Particularly in Reich law, it has to be proclaimed three times that they were against the government, and before the third decisive procla mation they could be guaranteed sufficient political and material advantages in order to force it through the government.

That may also give you an impression of the conditions.

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The second point, which I want to underline again, on the legality of our coming to power, is the following.

If in Germany the democratic system of election of England or the United States of America had existed, then the National Socialist German Workers' Party, N.S.D.A.P., at the end of 1939 would have had all seats in the Reichstag, without exception. For in every Wahlkreis, county, at that time, and the latest in the beginning of 1932--and I underline again in each one that the National Socialist Party was the strongest, that is to say, according to the system of election as it is in Great Britain or in the United States--all these weaker parties would have failed to gain any seats and from this time on we would have only National Socialists in a perfectly legal way, according to democratic principles of these two largest democracies, power such as it is in all other countries where change of power of political parties occurred.

The main political people were appointed to these offices. Besides the Ministers, first of all there were the Oberpresidente of the Province, the Regierungspresidente of the district, the Polizeipresidente, the Landraete, and they were down to the Ministerialdirektor, that is the director of the departments of Ministry, considered political offices, and that was the group of people which was changed whenever there was a change of power, and before that had been negotiated between the parties. It did not go so far as in other countries--all the way down to the letter carrier. The office holders changed, but at least in the most important posts.

In spite of that, we did very little in that direction at first. The first item ended, I asked von Papen to turn over to me the position of Prime Minister in Prussia, since he could not very well hold it , since he had no party standing behind him and since he could not make the necessary changes, but only one of us. And he agreed at once. Then I made these changes in a small part, that is to say, the Oberpresidentes were replaced by National Socialists. I even left

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generously, for weeks, Social Democrats in these posts. I replaced the officers in a few important provinces with important Catholic personalities who were much closer to the centre party than ours. But slowly, by and by, throughout the years, of course, it could not have been different. All these positions were put in the hands of National Socialists, particularly the Oberpresidente; because they were almost the same as the political Gau. However, until the end, in some cases Regierungspresidentes were only party National Socialists, some of them only. The same in the case of the Landraetes.

In the case of Polizeipresidentes, in order to explain it to the Tribunal I want to stress that the Polizeipresidente has at first nothing to do with the Gestapo. The Polizeipresidente was in larger cities the same as the Landraete in the country--some of them at least. These Polizeipresidentes had been selected by the largest parties up to then. I found Social Democrats in these jobs who could not, of course, stay as our opponents up to that date. That would have been absurd. And these Police Presidents, these offices, I put in the hands of National Socialists, in some cases, again, of people who had

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nothing to do with the party. I remind you that the most important office of police president in Berlin was put in the hands of the Admiral, von Lebensohn, who was not a member of the Party. And in some jobs I put former SA leaders.

Then, in order to strengthen our power, which seemed not only to myself but to all of us, very important, because that was the prerogative of our further work, stronger influence in the Reich Cabinet was necessary. New National Socialists came into the office of Ministers, and Ministers were created. A number of new basic laws were added. It was clear to everyone -- there was no doubt in the mind of anybody who had any idea of German conditions, either abroad or of course in the country -- that as quickly as possible we wanted to finish off the Communist Party. It was an absolute consequence, a compelling consequence, that the Communist Party should be prohibited. We were convinced that if the Communist Party, which was the strongest after us, had succeeded in coming to power, they would certainly not have tolerated taking into their Cabinet any National Socialists at all. We were absolutely clear that we would have been put away -- and in an entirely different manner.

A further point in the strengthening of power was the elimination of the Reichstag as a parliament, to eliminate the influence of the Reichstag. And this was done in that manner -- that we had an absolute majority after the new election anyway. In some cases we suggested to the former parties they dissolve themselves, because they had no purpose, and those who would not dissolve themselves were dissolved by us.

I mentioned the Communist Party. I also mean the Social Democrats.

Beyond that, we wanted, at last and following a long desire of the German people up to now, not only to form the framework of a Reich, but we wanted to become a United Reich. And for that, the strengthening of the Reichsgedanke, the thinking of the Reich, and the Reich power, above the various individual countries was necessary. If it was difficult for a fervent German patriot before the first World War to get along with a large number of serenissimi and futile principles, that which came in their place later were

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often worse -- because in the place of one small will there came manifold interests, tied to various parties in the Reich Government.

There was a majority of these places. In Bavaria a different one, in Hessen different again. It was quite impossible to establish a Reich and Reich power and prestige that could have greatness.

Therefore I suggested to the Fuehrer to dissolve and get rid of the Laender Parliaments. I began with it in Prussia by doing away with the Laender Parliaments, which I considered entirely superfluous, for the simple reason that the principles of the Reichsgewalt had already been violated. I could not understand why so many different authorities should exist which, with their unnecessary frictions, discussions, arguments, could only prevent constructive work. However, although I wanted to see and wanted to create the Reich strong and united, I have always -- and so has the Fuehrer -- demanded that within the German provinces and gaus cultural life should remain many-sided and based on local traditions; that is to say, all the old centres of culture, like Munich, Dresden, Weimar and so on, should continue in this direction to exist and to be supported.

Towards the further strengthening of power, those laws were established which would exclude any danger to the reconstruction, that is, on the basis of paragraph 48, the law which did awaywith the so-called freedoms. The definitions of these freedoms is open to argument. The law for the protection of people and nations was created, a law which was most urgently needed -- though during the past years much had been prohibited which would have been similar to a national activity, but it had still been permitted to speak about German people, its history, its state symbols and things which were close to the heart of the patriot, to speak about these without any sense, and they were in no way protected against slander.

It is evident that the definitions, like "Gleichschaltung" -- coordination -- were created at that time, that many unnecessary things were done, that is evident, because after the coming to power there came into being the entire movement -- a revolution and still not in the sense of revolutions as they had been known, like the French Revolution, the

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Bolshevik Revolution, that is to say, not in the sense of great fighting and bloody changes, tribunals that executed people by the hundreds of thousands; but still with a strong revolutionary aim, in the direction of the oneness of State, Party, National Socialism as the basis of leadership and as the basis for ideas.

H0082-0079

This Gleichschaltung which I have just mentioned, went then in all detail, but as I have said, and with all these strong political changes, people will always go beyond the limits here and there. Personally I was not interested that every organization should become National Socialist right away, and I can say quite frankly that in the smallest sense, a club, a small organization should absolutely have a National Socialist chairman, but principally in decisive political affairs, more and more our ideas, our philosophy, had to come through.

This was the basis for the reorganization, the re-establishment and strengthening of the fortifications of the Reich and additional strengthening then of our position, which occurred only after the death of the Reichspresiden von Hindeburg, in 1934, was the fact that the Chief of State and the Reich Chancellor became one person.

I would like to add here that on this occasion I had a long conversation with the Fuehrer. Right from the beginning, we discussed whether Hitler should accept the position of the Chief of State and whether I should take the Chancellorship. In consideration of the entire personality of the Fuehrer, it was incredible -- it could not be thought about -- that the Fuehrer could only be Chief of State, so to speak, above the political clouds. He was a definite leader of the political life and thereby of the government, and to put any other person as puppet in that position we considered not within the dignity of the situation.

The Fuehrer told me then the simplest thing is that we take an example of the United States of America, where also the Chief of State at the same time is the chief of the government and the cabinet, and we united, following the example of the United States, the position of the Chief of State and the Chief of the Government, and he called himself "Fuehrer" -- leader of the German people -- and Reichschancellor of the German Reich.

Thereby he was automatically also the Commander in Chief of the German Wehrmacht. That was a matter of course, according to the constitution and also the previous constitution and such as it is also the case in other nations

Those are largely -- if I may disregard other developments which probabl will have to bementioned later, that is, the power of the police -- those were

H0082-0080

the basic elements of the strengthening of power, and again I wish to say, first, it is correct that I personally -- and I can only speak for myself -- have done everything which was at all within my personal power to strengthen the National Socialist movement, to increase it, and have worked to bring it into power under all circumstances and alone, and secondly, I have done everything in order to assure for the Fuehrer the place as Reichschancellor, where he belonged; thirdly, if I think back, I think I have not failed to do anything in order to strengthen our power to such an extent that coincidences in the political play or violent incidents would not have impaired it; that, furthermore, it could become that factor of power which was to lead the Reich to a great development.

Q Which offices did you hold after the coming to power?

A First, I was President of the Reichstag before, and I remained there until the end. In the Reich Cabinet, at first I received the post of a Reich Minister and Reich Commissar of Aviation -- not Air Force.

I say in parenthesis that from the very beginning, it was clear to me that we had to establish an air force.

In Prussia I received the position of the Prussian Minister of the Interior on 20 April 1933, and on that date also the post of Prime Minister of Prussia. The Reich Commissariat for Aviation in March 1933 became a Reich Ministry of Aviation.

Then several less important offices were added -- President of the State Council, and so on.

Decisive at that time, however, were the two offices of the Prime Minister of Prussia, on one hand, and of the Aviation Ministry on the other hand, and the Ministry of the Interior of Prussia. That I transferred to the Reich Ministry of the Interior because that was also part of the strengthening affair and, first of all, clarification for the definition of Reich governing power that the Prussian Ministries should be in personal union with those of the Reich, because only in this way was it possible that the Reich department received practical information about the political work of the day and of the departments. Only in this connection was that possible.

H0082-0081

Q In your capacity as Minister of the Interior of Prussia, was that where you created the Gestapo and the concentration camps? For what reason, for what purpose, were they installed?

A I mentioned before that for the strengthening of power, the first prerequisite was to create an instrument which at all times and with all nations was the inner political instrument of power; that is to say, the police. There was no Reich police, only provincial police. The most important one was the Prussian.

This police was already under our predecessors, the former parties, following the various political groups, and the political parties put their people in. I mentioned how the police presidents were appointed and the leading offices in the Prussian Ministry of the Interior. It was such that here in some of the outlying offices, our former opponents, who up to then had always worked against us, we still found them in their offices.

A loosening up had taken place before I took charge, during the time when the Social Democrat organization was relieved by the government of Herr von Papen. There the strongest opponents had already been removed.

At any rate, the most important positions were still in the hands of definite political opponents. I could not expect very well that those who until yesterday were ready to use the police in all severity against us, would today show loyalty for the new state.

Also, before our time, there was a political police in Prussia. That was Police Department 1-A, and its task was, first of all, the surveillance of and fight against National Socialists and also, in part, against the Communists.

Now, I could have simply put new people in that political police and let it run under the old firm name, but the situation had changed by our coming to power, because at that time, and as I have mentioned before, the Communist Party was extraordinarily strong. It had over six million voters, and in their Red Front organization they had a thoroughly revolutionary instrument of power, and it was quite clear from the Communist power that if we should stay in power for any length of time, they would

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definitely use that power.

There was danger that during that time -- and you have to think back to the political tension, the atmosphere of contrast -- that it could have come torevolutionary acts on the part of the Communists, particularly since, even after we came to power, political murders, political shootings on National Socialists and policemen did not stop from that side but at times even increased.

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Also information which I received was that at the time that I was extremely ready about the sudden change of aviation, I had to be ready. I could, therefore, set forth any of the danger of the department which existed. I was liable to the outlying police, and of not any central position, or in the outlining of the position, but I had to increase the instrument of the police.

I would like to clarify from the outset that the task of this police was for security to the State. In order to make that clear I called the State Police the Central State Police, and at the same time looked for outlying places. I took out a number of non-political officials who were expertl received, and in the beginning I took fewer from the Party, because I had to stretch my knowledge of the field.

I also wanted that this police should be concerned officially with the security for the State, and against the enemy of the State position, and also the leader which I selected for that from the Party, to see that he came from the former police, he was already there. At that time it was the Oberregierungsrat and later Ministerialrat Diehls. Likewise, to remain so the other leaders of the Gestapo as officials were not from the Party. Later, of course, stronger members of the Party came into the Gestapo. Their mission was at first to create all assurance of security against any action from the left. I knew and later was proved that the worth of the Communist in Berlin, the Liebknecht House, was strongly fortified, and contained many arms at that time. We exposed junctional connection between the Russian Economic delegation, and the Communist Party, and even with this I did that, and with one action arrested thousands of Communist Kommissars. At least an immediate danger was removed at the moment, but definitely not the danger as such.

It was now necessary to get to the secret organization, defeat the network, to expose it, to watch it, and so on, and for that the police force had to be specialized of the official democratic party, certainly not merely as dangerous, because so far as the members were concerned, of course, the definite opponent of our State, or our new State, and a part of

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the number of their officials were more radical, and at this listing were radical more so, so I also prevented it; so the whole number of former social democratic ministers, oberpresident and higher officials, as I said before, were retired, naturally, and received their pension, and nothing was set against them. Of course, there were other officials of the Party, of the social democratic party, whom we had to definitely watch carefully. So the secret State Police had charge of this work created by me in Prussia with that mission, because I had nothing to do with the other provinces at that time. The organization of the restof the police is not of such importance here.

Now as to the necessity, particularly the need to appear, to create a peaceful situation, and to remove the most important element there against us, and I decided to do it in such a manner that I in one action wanted to arrest all the Communist Kommissars, so I had a list made for that purpose, and it was clear to me that even with that early most important danger of these kommissars, that there would be several thousand; because it was not only necessary to take them from the Party functionaries, but also the Red Front. The Communist also had affiliated organizations. These arrests were happening for the reasons of security, and necessity for the security of the State or Nation. The purpose was to remove a danger to the State. Only one possibility was developed to take those into custody, that is to say, this guard was created, so if the people at the moment could be charged with

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inactivity which was against the State, and which was in the way, whether it could be accepted from them, or regardless of that, they would have to be kept from it, and those taken into custody it would be possible for them. That was not new. It was not the National Socialist Convention influence, as far back as such measure already were a protective custody, which had been in the Reich at that time apparently against Communist, but also partly against ourselves, the National Socialist. The prison for that was not involved for that, and I want to stress from the very beginning that this was a political act for the protection of the State.

Therefore, I said this meant, that this meant there should first be created a camp where they were protected, and, of course, I could not feel at that time how long the internment of these people would be necessary. I could not say how in the serving, or investigation of this part of Communist, how much the number would be increased. When we occupied the Karl Liebknecht house, we found so many arms, material, and preparation for a civil war. That, as I said, that this entire incident could not yet be for long. I have already, naturally, informed that in view of such political tension, high tension, that existed between the two wings of the political parties, that with also the view of fighting, of continuous fighting in the streets, plundering, which took place during the time in political fights, that there would not be an agreeable situation. In view of that possibility, therefore, I had issued directives, or directions, that the guard should be wherever possible with the police force, and only where that was not sufficiently available, then other forces should be used.

In regard to the concentration camps, I would like to point out that this name was not created by us, but that it appeared in the foreign press, and was made acceptable later from that end and made history. At the end of 1933 I have said in a book, which at first appeared in English, and which has already been presented by the Prosecution as in evidence, I have expressed quite frankly - that was

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at the end of 1933 when I wrote it, and I point out again for the English speaking countries that I have expressed the following sentence quite frankly: may I quote it? "Of course, in the beginning it took place. Of course, here and there innocent people were subjected. Of course, the people were hit, and there were acts of brutality committed, but taken the measure of everything that happened before, and the greatness of what happened, this German revolution of freedom is believed ready in the most difficult of all revolutions of history so far."

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Q Did you supervise or know anything about the treatment of the inmates?

A Of course I issued instructions that such things should not happen. They did happen and they happened everywhere to a smaller or larger extent, but I have alssys stressed that the things should not happen, one, because it was in my interest to regain some of these people for ourselves and re-educate them.

Q Did you do anything about it whenever you heard about instances?

A I personally was concerned with concentration camps until the spring of 1934. As I said, at that time there were only two or three, at the most, in Prussia.

Witness Koerner has already mentioned the case of Thaelmann. I would like to speak about it, because it was the most outstanding, because Thaelmann was the leader of the Communist Party. I could not say today who it was who made the remark to me that Thaelmann had been hit, beaten.

With that information and report from various offices I called him to see me in my office, and I questioned him personally. I asked him personally and he told me that especially in the beginning he had been beaten during interrogations. Thereupon, as the witness has said already who was present, I told Thaelmann that I regretted that very much. At the same time I told him, "Dear Thaelmann, if you would have come to power, I probably would not have been beaten, but you probably would have chopped my head off." And he affirmed that in a very friendly manner.

Then I told him that in the future he should feel free, if anything should happen in that direction to him or to others, that he should feel free to let me know; that I could not always be there, be present, but it was not my intention that any act of brutality should be committed against him.

I want to stress that later, just to demonstrate this case, which was not an unimportant one, Thaelmann's wife wrote to me and asked for my intervention. I answered her letter immediately, and also for that I have evidence.

I intervened financially for the families of some of the inmates inasmuch as that was necessary.

I would like to mention the wild concentration camps which have been mentioned and which belong in the category of excesses. At first I did not know anything about them, but then I found out about such a camp near Stettin.

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It had been established by Gauleiter Karpfenstein from Pommerania. I had this camp closed immediately, which I can prove, and I made sure that those who were responsible for acts of brutality were accused by the prosecution. Karpfenstein was excluded from the Party, expelled from the Party.

A second camp of that kind was found in Breslau, which Heines had established. At this time I do not remember what happened. At any rate, it was not authorized by myself, this camp, and I had that dissolved immediately. Heines was one of those close collaborators of Roehm, about whom I will speak later.

As much as I can remember -- and I cannot talk about the place any more, I do not remember the place any more -- close to Berlin there was another wild concentration camp, of the SA leader Ernst of Berlin, whom I always had under suspicion of acts of brutality. He had established that camp secretly. That also was closed, and Ernst belonged to those nasty figures who were eliminated after the Roehm Putsch. That is a possibility, to question inmates of that time of these camps, 1933 and 1934, whether during that time to any extent things happened such as they happened later.

Q Did you, after the strengthening of power took place, did you free inmates and at what time?

A Christmas of 1933 I directed that the less dangerous cases, the lighter cases and those cases of whom one could assume that they had resigned themselves to the situation, I directed that about 5,000 should be released. I repeated that once more in December 1934 with 2,000 inmates.

I stress again that that only refers to Prussia. At that time, as much as I can remember -- I cannot say that precisely -- one camp was dissolved or at least closed temporarily. That fact was mentioned at a time when nobody thought that at any time it would be the subject of an investigation before a tribunal.

Q Until what date were you in charge of the Gestapo and concentration camps?

A In fact until the beginning of 1934. That is to say, until the beginning of 1934 I was in charge and Diehls under me. He reported to me about the Gestapo and also concentration camps. At that time, outside of Prussia, around Prussia, a regrouping of police took place, had taken place, in such a way . . .

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that Himmler in all other provinces of Germany was in charge of the police with the exception of Prussia only. That is to say, he took somewhat of an imitation of my measures. He had installed secret state police forces, because the police at that time still was a matter of the provinces. It was Bavaria, Saxon, and so on.

Of all these police forces he was the leader, and of course he was desirous of also gaining the leadership of the police in Prussia. I was very satisfied with Diehls at that time, and from my point of view I saw no reason to let any change take place.

These tendencies, I believe, occurred late in the summer of 1933. Shortly after, in the spring of 1934, I had transferred the Prussian Ministry of the Interior to the Ministry of the Interior of the Reich, and was no more in that job.

Himmler tried with the Fuehrer to be put in charge also of the Prussian police. At that time I did not expressly oppose it. It was not agreeable to me. I could handle my police myself, but when the Fuehrer asked me for it and said that it would be the correct thing to do, and it would be necessary, would prove to be necessary that the enemy of the State should be fought all throughout the Reich in a uniform way, I transferred the leadership to Hitler, who put Heydrich in charge de jure; but I still kept it, because there was no Reich police at that time established.

T he rest of the police, the police of the provinces, the uniformed police, I did not turn over to him, because that police to a large extent, which I will explain later, was organized in Prussia militarily by me in order to be able to use it later for the rearmament. For this reason I could not give him the uniformed police, because they were established, trained, instructed according to military principles by myself and had little to do with real police work, until 1935 when they could be turned over to the Wehrmacht.

In 1936 the Reich police law was issued, and the Chief of the German Police was created. The office was created. Then also de jure, not only formally, legally the police was turned over to the Reichsfuehrer SS, Himmler, or, as he was called, the Chief of the German police,

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that Himmler in all other provinces of Germany was in charge of the police with the exception of Prussia only. That is to say, he took somewhat of an imitation of my measures. He had installed secret state police forces, because the police at that time still was a matter of the provinces. It was Bavaria, Saxon, and so on.

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Q You mentioned before the Roehm Putsch, Roehm Revolt. Who was Roehm, and what were the events?

A Roehm had become leader of the SS —

THE PRESIDENT: (Interposing) I think we had better adjourn. It is 5:00 o'clock now.

(The Tribunal adjourned until 14 March, 1946, at 1000 hours.)